

Calendar No. 404

107TH CONGRESS
2^D SESSION

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[Report No. 107–157]

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2001

Mr. HOLLINGS (for himself, Mr. BIDEN, Mr. BREAUX, Mr. CARPER, Mr. CLELAND, Mrs. CLINTON, Mr. CORZINE, Mr. DURBIN, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KENNEDY, Mr. KERRY, Mr. LEAHY, Ms. MIKULSKI, Mr. REID, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. STEVENS, Mr. TORRICELLI, Mr. BAUCUS, Ms. SNOWE, Mr. SARBANES, Mrs. BOXER, Mr. INOUE, Mr. SPECTER, Mr. DORGAN, Mr. BURNS, Mr. LIEBERMAN, Ms. COLLINS, Mr. NELSON of Nebraska, Mr. DODD, Mr. CHAFEE, Mr. COCHRAN, and Mr. MILLER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

MAY 29, 2002

Reported, under authority of the order of the Senate of May 22, 2002, by
Mr. HOLLINGS, with an amendment in the nature of a substitute

[Strike all after the enacting clause and insert the part printed in italic]

A BILL

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

(a) ~~SHORT TITLE.~~—This Act may be cited as the
“~~National Defense Rail Act~~”.

13 (c) TABLE OF CONTENTS.—The table of contents for
14 this Act is as follows:

~~Sec. 2. Findings:~~

~~Sec. 101. Amtrak security assistance.~~

~~Sec. 103. Passenger, baggage, and cargo screening.~~

~~Sec. 105. Rail transportation security risk assessment.~~

Sec. 201. Interstate railroad passenger high-speed transportation policy.

~~Sec. 203. Implementation assistance.~~

~~Sec. 205. Labor standards.~~

~~Sec. 207. Authorization of appropriations.~~

~~Sec. 301. National railroad passenger transportation system defined.~~

~~Sec. 303. Additional Amtrak authorizations.~~

~~Sec. 305. Long distance trains.~~

Sec. 307. Re-establishment of Northeast Corridor Safety Committee.

Sec. 308. On-time performance.

Sec. 309. Amtrak board of directors.

Sec. 310. Independent audit of Amtrak operations; review by DOT IG.

TITLE IV—Miscellaneous

Sec. 401. Rehabilitation, improvement, and security financing.

Sec. 402. Rail passenger cooperative research program.

Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.

Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

1 SEC. 2. FINDINGS.

2 The Congress finds the following:

3 (1) Financial investment in passenger rail in-
 4 frastructure is critical, and Federal leadership is re-
 5 quired to address the needs of a reliable safe, secure
 6 passenger rail network, just as has been used in es-
 7 tablishing the interstate highway system and the
 8 Federal aviation network.

9 (2) Lack of investment and attention to the
 10 needs of passenger rail infrastructure has resulted in
 11 a weak passenger rail network, and has caused a
 12 strain on the capacity of other modes of transpor-
 13 tation in many areas of the country. According to
 14 the Department of Transportation, in 1999 the cost
 15 of wasted time and extra fuel consumption due to
 16 delays on congested roads was estimated at \$78 bil-
 17 lion.

18 (3) Passenger rail is an integral part of the
 19 United States transportation system, and, as can be
 20 evidenced in the Northeast Corridor, relieves the
 21 pressures of congestion on highways and at airports,

1 and creates a more balanced system of transpor-
2 tation alternatives.

3 (4) Passenger rail service has been a vital in-
4 strument in the transportation needs of our nation.
5 For instance, during World War II, the privately
6 owned, operated, and constructed railroad industry
7 transported 90 percent of all defense freight, and 97
8 percent of all defense personnel transported to
9 points of embarkation for theaters of action. By the
10 end of the war, railroads accounted for three quar-
11 ters of the share of the common carrier share of
12 intercity traffic, with airplanes and buses sharing
13 the remaining quarter of traffic.

14 (5) Significant attention and Federal funding
15 were required to construct the Eisenhower System of
16 Interstate and Defense Highways. The Federal Aid
17 Highway Act of 1956 established a Highway Trust
18 Fund based upon Federal user taxes in order to fi-
19 nance up to 90 percent of the costs of the \$25 bil-
20 lion dollar highway construction plan.

21 (6) Federal policies with respect to investment
22 in aviation resulted in a strengthened aviation indus-
23 try and the rapid development of air passenger serv-
24 ice, and by the late 1960's most rail companies were

1 petitioning the government to discontinue passenger
2 services because of losses.

3 ~~(7) Amtrak was established in 1971 by the Rail~~
4 ~~Passenger Service Act of 1970 to provide passenger~~
5 ~~rail services in the United States as a public service;~~
6 ~~at the time of Amtrak's formation, freight railroads~~
7 ~~were losing money on unprofitable passenger rail op-~~
8 ~~erations. Since 1971 Amtrak has received only \$25~~
9 ~~billion in public subsidies; during that period, the~~
10 ~~United States invested \$750 billion on highways and~~
11 ~~aviation.~~

12 ~~(8) The Amtrak Reform and Accountability Act~~
13 ~~of 1997, and preceding statutes, resulted in creating~~
14 ~~conflicting missions for the National Railroad Pas-~~
15 ~~senger Corporation of both serving a public function~~
16 ~~by operating unprofitable long-distance routes while~~
17 ~~also attempting to operate at a profit. This policy~~
18 ~~has also restricted Amtrak's profit potential on the~~
19 ~~Northeast Corridor by limiting the capital expendi-~~
20 ~~tures to help defray other costs.~~

21 ~~(9) Due to a lack of capital investment, the~~
22 ~~Northeast Corridor has accumulated a backlog of re-~~
23 ~~pair needs, including life safety and security needs.~~
24 ~~Investment in the capital needs of the Northeast~~
25 ~~Corridor would result in capacity improvements~~

1 which would result in greater utilization of the exist-
2 ing infrastructure.

3 (10) The Department of Transportation Inspec-
4 tor General's 2001 Assessment of Amtrak's Finan-
5 cial Performance and Requirements (Report #CR-
6 2002-075) found that Amtrak's lack of available
7 capital has impeded its efforts to achieve financial
8 goals.

9 (11) In order to attempt to meet the mandate
10 of the Amtrak Reform and Accountability Act of
11 1997, Amtrak has been forced to delay capital im-
12 provement projects and other projects which would
13 produce long-term benefits.

14 (12) The Department of Transportation Inspec-
15 tor General's 2001 Assessment of Amtrak's Finan-
16 cial Performance and Requirements (Report #CR-
17 2002-075) found that Amtrak's most profitable op-
18 erations are on the Northeast Corridor, where Fed-
19 eral investment in passenger rail infrastructure has
20 been significantly higher than anywhere else in the
21 country.

22 (13) Federal investments in capital projects to
23 support passenger rail in areas other than the
24 Northeast Corridor would result in improved service
25 and increase profitability.

1 (14) The need for a balanced interstate and
2 international transportation system that provides a
3 viable alternative to travel by private automobile or
4 commercial aircraft is particularly evident after the
5 events of September 11, 2001.

6 (15) As a matter of national security, a strong
7 passenger rail network would provide travelers an al-
8 ternative to highway and air travel, which could lead
9 to reduced United States reliance on foreign oil im-
10 ports.

11 (16) In fiscal year 2001, the United States
12 spent less than 1 percent of all transportation modal
13 spending on intercity passenger rail, and since 1998,
14 Amtrak has received only \$4.59 billion of the \$8.42
15 billion it has been authorized to receive by Congress.

16 (17) Passenger rail in the United States has no
17 stable funding source, in contrast to highways, avia-
18 tion, and transit.

19 (18) Per capita spending on passenger rail is
20 much higher in other countries than the United
21 States and, in fact, the United States ranks behind
22 other countries including Canada, Japan, France,
23 Great Britain, Italy, Spain, Austria, Switzerland,
24 Belgium, Sweden, Luxembourg, Denmark, Ireland,

1 Norway, the Czech Republic, Finland, Slovakia, Por-
2 tugal, Poland, South Africa, Greece, and Estonia.

3 (19) The United States needs to engage in
4 long-term planning to foster and address future pas-
5 senger transportation growth and show forethought
6 regarding transportation solutions rather than be
7 forced to act due to an impending crisis.

8 (20) It is in the national interest to preserve
9 passenger rail service in the United States and to
10 maintain the solvency of the National Railroad Pas-
11 senger Corporation.

12 (21) Long-term planning and support for pas-
13 senger rail will help offset the emerging problems
14 created by transportation congestion, and contribute
15 to a cleaner and more environmentally-friendly
16 transportation system.

17 (22) A comprehensive re-evaluation of our na-
18 tion's rail passenger policy is required and a clearly
19 defined role for Amtrak and a connected rail pas-
20 senger network must be established.

21 (23) The Federal government must take the
22 primary responsibility for developing national rail-
23 road passenger transportation infrastructure, and
24 help ensure that it functions as an efficient network.
25 Privatization of the rail passenger industry in Great

1 Britain has been disastrous and passenger service
2 has suffered overall.

3 ~~(24)~~ The nation should be afforded the oppor-
4 tunity to receive safe, efficient, and cost-effective rail
5 passenger services, taking into account all benefits
6 to the nation as a whole.

7 **TITLE I—RAIL** 8 **TRANSPORTATION SECURITY**

9 **SEC. 101. AMTRAK SECURITY ASSISTANCE.**

10 (a) **INFRASTRUCTURE SECURITY.**—The following
11 amounts are authorized to be appropriated to the Sec-
12 retary of Transportation for the use of Amtrak for fiscal
13 year 2003:

14 (1) \$26,000,000 for tunnel, bridge, electric
15 traction, and tower security, including closed circuit
16 television cameras, vehicle barriers, lighting, and
17 fencing, of which \$19,725,000 shall be obligated or
18 expended on the Northeast Corridor and \$6,275,000
19 shall be obligated or expended outside the Northeast
20 Corridor.

21 (2) \$137,370,000 for interlocking security
22 needs, including closed circuit television cameras,
23 lighting, fencing and vehicle barriers, of which 50
24 percent shall be obligated or expended on the North-

1 east Corridor and 50 percent shall be obligated or
2 expended outside the Northeast Corridor.

3 ~~(3) \$12,525,000 for equipment facility security,~~
4 ~~including closed circuit television cameras, lighting,~~
5 ~~and vehicle barriers, of which \$4,175,000 shall be~~
6 ~~obligated or expended on the Northeast Corridor and~~
7 ~~\$8,350,000 shall be obligated or expended outside~~
8 ~~the Northeast Corridor.~~

9 ~~(4) \$22,140,000 for yard and terminal security,~~
10 ~~including closed circuit television cameras, lighting,~~
11 ~~fencing and vehicle barriers, of which \$9,225,000~~
12 ~~shall be obligated or expended on the Northeast Cor-~~
13 ~~ridor and \$12,915,000 shall be obligated or ex-~~
14 ~~pended outside the Northeast Corridor.~~

15 ~~(5) \$2,940,000 for mail and express facilities~~
16 ~~security, including closed circuit television cameras,~~
17 ~~lighting, fencing, and vehicle barriers, of which~~
18 ~~\$1,470,000 shall be obligated or expended on the~~
19 ~~Northeast Corridor and \$1,470,000 shall be obli-~~
20 ~~gated or expended outside the Northeast Corridor.~~

21 ~~(6) \$20,125,000 for station security, including~~
22 ~~closed circuit television cameras, x-ray machines,~~
23 ~~lighting, fencing and vehicle barriers, of which~~
24 ~~\$7,000,000 shall be obligated or expended on the~~

1 Northeast Corridor and \$13,125,000 shall be obli-
2 gated or expended outside the Northeast Corridor.

3 ~~(7) \$538,000 for employee identification sys-~~
4 ~~tems, including improved technology for badges~~
5 ~~issued to employees and visitors controlled through~~
6 ~~a centralized database.~~

7 ~~(8) \$75,000 for bomb-resistant trash con-~~
8 ~~tainers, of which 50 percent shall be obligated or ex-~~
9 ~~pended on the Northeast Corridor and 50 percent~~
10 ~~shall be obligated or expended outside the Northeast~~
11 ~~Corridor.~~

12 ~~(9) \$5,800,000 for a passenger information re-~~
13 ~~trieval system to capture security information, create~~
14 ~~watchlists, and an online history of passengers, of~~
15 ~~which 50 percent shall be obligated or expended on~~
16 ~~the Northeast Corridor and 50 percent shall be obli-~~
17 ~~gated or expended outside the Northeast Corridor.~~

18 ~~(10) \$6,200,000 for an incident tracking sys-~~
19 ~~tem to create and maintain an electronic database of~~
20 ~~data on criminal and operational incidents, of which~~
21 ~~50 percent shall be obligated or expended on the~~
22 ~~Northeast Corridor and 50 percent shall be obligated~~
23 ~~or expended outside the Northeast Corridor.~~

24 ~~(11) \$4,300,000 for upgrades to ticket kiosks~~
25 ~~for photo imaging for identification purposes, of~~

1 which 50 percent shall be obligated or expended on
2 the Northeast Corridor and 50 percent shall be obli-
3 gated or expended outside the Northeast Corridor.

4 (12) \$16,750,000 for an incident command sys-
5 tem to serve as a second command center and a dis-
6 aster recovery command site, of which \$5,000,000
7 shall be obligated or expended on the Northeast Cor-
8 ridor and \$11,750,000 shall be obligated or ex-
9 pended outside the Northeast Corridor.

10 (13) \$5,000,000 for train locator and tracking
11 systems to provide GPS coordinates for all loco-
12 motives, of which 50 percent shall be obligated or
13 expended on the Northeast Corridor and 50 percent
14 shall be obligated or expended outside the Northeast
15 Corridor.

16 (14) \$120,000 for a notification system for in-
17 tegration of GPS information into the central com-
18 puter systems, of which 50 percent shall be obligated
19 or expended on the Northeast Corridor and 50 per-
20 cent shall be obligated or expended outside the
21 Northeast Corridor.

22 (15) \$1,245,000 for mail and express shipment
23 software to identify each shipment positively before
24 it is transported by rail, of which \$405,000 shall be
25 obligated or expended on the Northeast Corridor and

1 \$840,000 shall be obligated or expended outside the
2 Northeast Corridor.

3 (16) \$1,211,000 for mail and express tracking
4 deployment to identify the status of each rail ship-
5 ment.

6 (b) SECURITY OPERATIONS.—The following amounts
7 are authorized to be appropriated to the Secretary of
8 Transportation for the use of Amtrak for fiscal year 2003:

9 (1) \$354,000 for hiring 4 police officers, each
10 of whom is to be dedicated to a specific region of the
11 United States, to provide intelligence-gathering and
12 analysis, conduct crime-mapping assessments
13 throughout the entire system, work with law enforce-
14 ment to prevent terrorist acts and reduce Amtrak's
15 vulnerability, of which 50 percent shall be obligated
16 or expended on the Northeast Corridor and 50 per-
17 cent shall be obligated or expended outside the
18 Northeast Corridor.

19 (2) \$10,411,000 for the hiring of 150 patrol of-
20 ficers and 48 specialized personnel, of whom 101
21 would be deployed on the Northeast Corridor and 97
22 outside the Northeast Corridor.

23 (3) \$11,292,000 for the hiring of 250 security
24 officers, of whom 147 would be deployed on the

1 Northeast Corridor and 103 outside the Northeast
2 Corridor.

3 (4) \$1,828,000 for the hiring of 20 canine
4 bomb teams, of which 14 are to be deployed outside
5 the Northeast Corridor and 10 are to be deployed to
6 mail and express facilities.

7 (5) \$30,761,000 for 90 infrastructure security
8 inspectors to inspect the rights-of-way, bridges,
9 buildings, tunnels, communications and signaling
10 equipment, fencing, gates, barriers, lighting, cat-
11 enary system, and other security features, of which
12 \$21,000,000 is to be obligated or expended on the
13 Northeast Corridor and \$10,000,000 is to be obli-
14 gated or expended outside the Northeast Corridor.

15 (6) \$2,990,000 to expand aviation capabilities
16 for security coverage and patrol capabilities, includ-
17 ing equipment, staff, and facilities, of which
18 \$997,000 is to be obligated or expended on the
19 Northeast Corridor and \$1,993,000 is to be obli-
20 gated or expended outside the Northeast Corridor.

21 (7) \$1,095,000 for the leasing of 150 vehicles
22 and 10 bicycles to support patrol capabilities, of
23 which \$569,000 is to be obligated or expended on
24 the Northeast Corridor and \$526,000 is to be obli-
25 gated or expended outside the Northeast Corridor.

1 ~~(8) \$669,000 for 6 management level positions~~
 2 ~~with responsibility for direction, control, implemen-~~
 3 ~~tation, and monitoring of security systems, including~~
 4 ~~the deployment of the 250 security officers through-~~
 5 ~~out the Amtrak system, of which \$446,000 is to be~~
 6 ~~obligated or expended on the Northeast Corridor and~~
 7 ~~\$223,000 is to be obligated or expended outside the~~
 8 ~~Northeast Corridor.~~

9 ~~(9) \$980,000 for applicant background inves-~~
 10 ~~tigations, of which 50 percent shall be obligated or~~
 11 ~~expended on the Northeast Corridor and 50 percent~~
 12 ~~shall be obligated or expended outside the Northeast~~
 13 ~~Corridor.~~

14 ~~(10) \$457,000 for rapid response teams to re-~~
 15 ~~spond to and prepare for on-site consequence man-~~
 16 ~~agement, all of which shall be obligated or expended~~
 17 ~~outside the Northeast Corridor.~~

18 ~~(c) EQUIPMENT SECURITY.—~~

19 ~~(1) IN GENERAL.—The following amounts are~~
 20 ~~authorized to be appropriated to the Secretary of~~
 21 ~~Transportation for the use of Amtrak for fiscal year~~
 22 ~~2003:~~

23 ~~(A) \$1,755,000 to provide two-way com-~~
 24 ~~munication devices for all Amtrak conductors.~~

1 (B) \$3,000,000 for 2 mobile emergency
2 command and communication units and rapid
3 response teams, 1 to be located in the Midwest
4 and 1 on the West Coast.

5 (C) \$651,000 for 200 to 400 radioactive
6 material detectors to be deployed system-wide,
7 of which \$231,000 is to be obligated or ex-
8 pended on the Northeast Corridor and
9 \$420,000 is to be obligated or expended outside
10 the Northeast Corridor.

11 (D) \$4,000,000 for hand-held bomb detec-
12 tors for use by police to inspect baggage and
13 packages.

14 (E) \$1,400,000 to screen express packages
15 before being placed on trains.

16 (F) \$1,305,000 for secure locking devices
17 on mail and express cars that have satellite-
18 monitoring capability.

19 (G) \$10,234,000 for video recording sys-
20 tems on road locomotives, of which \$4,859,000
21 is to be obligated or expended on the Northeast
22 Corridor and \$5,375,000 is to be obligated or
23 expended outside the Northeast Corridor.

1 (H) \$6,712,000 to acquire and install sat-
 2 ellite-based technology to shut down any loco-
 3 motive that is not under the control of its crew.

4 (I) \$4,320,000 to install 10 new commu-
 5 nications stations to enable radio communica-
 6 tions in remote locations and 12 satellite receiv-
 7 ers.

8 (J) \$4,000,000 for 4 self-propelled high-
 9 speed rail cars designated for selective patrol
 10 and enforcement functions, including critical in-
 11 cident response, dignitary protection, and roving
 12 rail security inspections.

13 (2) ALLOCATION.—Except as provided in sub-
 14 paragraphs (B), (C), and (G) of paragraph (1), 50
 15 percent of any amounts appropriated pursuant to
 16 paragraph (1) shall be obligated or expended on the
 17 Northeast Corridor and 50 percent of such amounts
 18 shall be obligated or expended outside the Northeast
 19 Corridor.

20 (d) AVAILABILITY OF FUNDS.—Amounts appro-
 21 priated pursuant to subsections (a), (b), and (c) shall re-
 22 main available until expended.

23 (e) PROHIBITION ON USE OF EQUIPMENT FOR EM-
 24 PLOYMENT-RELATED PURPOSES.—An employer may not
 25 use closed circuit television cameras purchased with

1 amounts authorized by this section for employee discipli-
 2 nary or monitoring purposes unrelated to transportation
 3 security.

4 **SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**
 5 **PROGRAMS.**

6 (a) **REQUIREMENT FOR STUDY.**—Not later than
 7 June 1, 2003, the Comptroller General shall carry out a
 8 study of the rail passenger transportation security pro-
 9 grams that are carried out for rail transportation systems
 10 in Japan, member nations of the European Union, and
 11 other foreign countries.

12 (b) **PURPOSE.**—The purpose of the study shall be to
 13 identify effective rail transportation security measures
 14 that are in use in foreign rail transportation systems, in-
 15 cluding innovative measures and screening procedures de-
 16 termined effective.

17 (c) **REPORT.**—The Comptroller General shall submit
 18 a report on the results of the study to Congress. The re-
 19 port shall include the Comptroller General's assessment
 20 regarding whether it is feasible to implement within the
 21 United States any of the same or similar security meas-
 22 ures that are determined effective under the study.

23 **SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

24 (a) **REQUIREMENT FOR STUDY AND REPORT.**—The
 25 Secretary of Transportation shall—

1 (1) study the cost and feasibility of requiring
2 security screening for all passengers, baggage, and
3 mail, express, and other cargo on Amtrak trains;
4 and

5 (2) report the results of the study, together
6 with any recommendations that the Secretary may
7 have for implementing a rail security screening pro-
8 gram to the Committee on Commerce, Science, and
9 Transportation of the Senate and the Committee on
10 Transportation and Infrastructure of the House of
11 Representatives one year after the date of enactment
12 of this Act.

13 (b) PILOT PROGRAM.—As part of the study under
14 subsection (a), the Secretary shall conduct a pilot program
15 of random security screening of passengers and baggage
16 at 5 of the 10 busiest passenger rail stations served by
17 Amtrak (measured by the average number of boardings
18 of Amtrak passenger trains) and at up to five additional
19 rail stations served by Amtrak that are selected by the
20 Secretary. In selecting the additional train stations the
21 Secretary shall attempt to achieve a distribution of partici-
22 pating stations in terms of geographic location and size.

1 **SEC. 104. RAIL SECURITY.**

2 (a) SECRETARY OF TRANSPORTATION.—Section
3 20103(a) is amended by striking “safety” and inserting
4 “safety, including the security of railroad operations,”.

5 (b) RAIL POLICE OFFICERS.—Section 28101 is
6 amended by striking “the rail carrier” each place it ap-
7 pears and inserting “any rail carrier”.

8 (c) REVIEW OF RAIL REGULATIONS.—Within 180
9 days after the date of enactment of this Act, the Secretary
10 of Transportation, in consultation with the Federal Rail-
11 road Administration’s Rail Safety Advisory Committee,
12 shall review existing rail regulations of the Department
13 of Transportation for the purpose of identifying areas in
14 which those regulations need to be revised to improve rail
15 safety and security.

16 **SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
17 **MENT.**

18 (a) IN GENERAL.—

19 (1) ASSESSMENT.—The Secretary of Transpor-
20 tation shall assess the security risks associated with
21 rail transportation and develop prioritized rec-
22 ommendations for—

23 (A) improving the security of rail tunnels,
24 rail bridges, rail switching areas, and other
25 areas identified by the Secretary as posing sig-
26 nificant rail-related risks to public safety and

1 the movement of interstate commerce, taking
2 into account the impact that any proposed secu-
3 rity measure might have on the provision of rail
4 service;

5 (B) the deployment of chemical and bio-
6 logical weapon detection equipment;

7 (C) dealing with the immediate and long-
8 term economic impact of measures that may be
9 required to address those risks; and

10 (D) training employees in terrorism re-
11 sponse activities.

12 ~~(2) EXISTING PRIVATE AND PUBLIC SECTOR~~
13 ~~EFFORTS.—~~The assessment shall include a review of
14 any actions already taken to address identified secu-
15 rity issues by both public and private entities.

16 ~~(3) RAILROAD CROSSING DELAYS.—~~The Sec-
17 retary shall include in the assessment an analysis of
18 the risks to public safety and to the security of rail
19 transportation that are associated with long delays
20 in the movement of trains that have stopped on rail-
21 road grade crossings of highways, streets, and other
22 roads for motor vehicle traffic, especially in major
23 metropolitan areas. The Secretary shall include in
24 the recommendations developed under paragraph (1)

1 recommended actions for preventing such delays and
2 reducing the risks identified in the analysis.

3 ~~(b) CONSULTATION; USE OF EXISTING RE-~~
4 ~~SOURCES.—~~In carrying out the assessment required by
5 subsection (a), the Secretary shall—

6 ~~(1) consult with rail management, rail labor,~~
7 ~~and public safety officials (including officials respon-~~
8 ~~sible for responding to emergencies); and~~

9 ~~(2) utilize, to the maximum extent feasible, the~~
10 ~~resources and assistance of—~~

11 ~~(A) the Federal Railroad Administration’s~~
12 ~~Rail Safety Advisory Committee; and~~

13 ~~(B) the Transportation Research Board of~~
14 ~~the National Academy of Sciences.~~

15 ~~(c) REPORT.—~~

16 ~~(1) CONTENTS.—~~Within 180 days after the
17 date of enactment of this Act, the Secretary shall
18 transmit to the Senate Committee on Commerce,
19 Science, and Transportation and the House of Rep-
20 resentatives Committee on Transportation and In-
21 frastructure a report, without compromising national
22 security, containing—

23 ~~(A) the assessment and prioritized rec-~~
24 ~~ommendations required by subsection (a); and~~

(B) any proposals the Secretary deems appropriate for providing Federal financial, technological, or research and development assistance to railroads to assist the railroads in reducing the likelihood, severity, and consequences of deliberate acts of crime or terrorism toward rail employees, rail passengers, rail shipments, or rail property.

(2) ~~FORMAT.~~—The Secretary may submit the report in both classified and redacted formats if the Secretary determines that such action is appropriate or necessary.

(d) ~~AUTHORIZATION OF APPROPRIATIONS.~~—There are authorized to be appropriated to the Secretary \$5,000,000 for fiscal year 2003 to carry out this section, such sums to remain available until expended.

~~TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION SYSTEM~~

~~SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED TRANSPORTATION POLICY.~~

(a) ~~IN GENERAL.~~—Chapter 261 is amended by inserting before section 26101 the following:

1 **“§ 26100. Policy.**

2 “(a) IN GENERAL.—The Congress declares that it
3 is the policy of the United States that designated high-
4 speed railroad passenger transportation corridors are the
5 building blocks of an interconnected interstate railroad
6 passenger system that serves the entire Nation.

7 “(b) SECRETARY REQUIRED TO ESTABLISH NA-
8 TIONAL HIGH-SPEED GROUND TRANSPORTATION POL-
9 ICY.—The Secretary of Transportation shall establish the
10 national high-speed ground transportation policy required
11 by section 309(e)(1) of this title no later than December
12 31, 2002.”.

13 (b) CONFORMING AMENDMENTS.—

14 (1) The chapter analysis for chapter 261 is
15 amended by inserting before the item relating to sec-
16 tion 26101 the following:

“26100. Policy”.

17 (2) Section 309(e)(1) is amended by striking
18 “Within 12 months after the submission of the
19 study required by subsection (d),” and inserting “No
20 later than December 31, 2002,”.

21 **SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.**

22 (a) IN GENERAL.—Section 26101(a) is amended to
23 read as follows:

24 “(a) PLANNING.—

1 “(1) IN GENERAL.—The Secretary of Transpor-
 2 tation shall provide planning assistance to States or
 3 group of States and other public agencies promoting
 4 the development of high-speed rail corridors des-
 5 ignated by the Secretary under section 104(d) of
 6 title 23.

7 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
 8 NANCIAL ASSISTANCE.—The Secretary may provide
 9 planning assistance under paragraph (1) directly or
 10 by providing financial assistance to a public agency
 11 or group of public agencies to undertake planning
 12 activities approved by the Secretary.

13 “(3) 100 PERCENT FEDERAL FUNDING.—The
 14 Secretary may not require any portion of the pub-
 15 licly financed costs associated with eligible activities
 16 to come from non-Federal sources.

17 “(4) PRIORITIES TO CHICAGO, ATLANTA, AND
 18 DALLAS/FORT WORTH.—In determining projects to
 19 be undertaken pursuant to this paragraph, the Sec-
 20 retary shall give the highest priorities to undertaking
 21 planning in the vicinity of Union Station in Chicago,
 22 Illinois, in metropolitan Atlanta, Georgia, and in the
 23 Dallas/Fort Worth, Texas, area.”.

24 (b) CONFORMING AND OTHER AMENDMENTS TO
 25 SECTION 26101.—Section 26101 is further amended—

1 (1) by striking subsection (c)(2) and inserting
2 the following:

3 “~~(2)~~ the extent to which the proposed planning
4 focuses on high-speed rail systems, giving a priority
5 to systems which will achieve sustained speeds of
6 125 miles per hour or greater and projects involving
7 dedicated rail passenger rights-of-way;”;

8 (2) by inserting “and” after the semicolon in
9 subsection (c)(12);

10 (3) by striking “completed; and” in subsection
11 (c)(13) and inserting “completed.”;

12 (4) by striking subsection (c)(14); and

13 (5) by adding at the end the following:

14 “~~(d) OPERATORS AND CERTAIN SERVICE PROVIDERS~~
15 ~~DEEMED RAIL CARRIERS.~~—A person that conducts rail
16 operations, or performs catering, cleaning, construction,
17 maintenance or other services for rail operations, funded
18 or otherwise receiving assistance under this section is
19 deemed to be a rail carrier for purposes of part A of sub-
20 title IV, when so operating or performing such services.”.

21 (c) CONFORMING AMENDMENT.—Section 511(n)(1)
22 of the Railroad Revitalization and Regulatory Reform Act
23 of 1976 (45 U.S.C. 831(n)(1)) is amended by striking
24 “125” and inserting “90”.

1 (d) FINANCIAL ASSISTANCE TO INCLUDE LOANS
 2 AND LOAN GUARANTEES.—Section 26105(1) is amended
 3 by inserting “loans, loan guarantees,” after “contracts,”.

4 (e) REINVESTMENT OF NON-PASSENGER OPERATING
 5 PROFIT.—Amtrak shall invest any revenue from non-pas-
 6 senger operations in capital needs outside the Northeast
 7 Corridor.

8 **SEC. 203. IMPLEMENTATION ASSISTANCE.**

9 (a) IN GENERAL.—Chapter 261 is amended by in-
 10 serting after section 26101 the following:

11 **“§ 26101A. Implementation of corridor plans**

12 “(a) IMPLEMENTATION ASSISTANCE.—

13 “(1) IN GENERAL.—The Secretary of Transpor-
 14 tation shall provide implementation assistance to
 15 States or group of States and other public agencies
 16 promoting the development of high-speed rail cor-
 17 ridors designated by the Secretary under section
 18 104(d) of title 23. The Secretary shall establish an
 19 application and qualification process and, before pro-
 20 viding assistance under this section, make a deter-
 21 mination on the record that the applicant is quali-
 22 fied and eligible for assistance under this section.

23 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
 24 NANCIAL ASSISTANCE.—The Secretary may provide
 25 implementation assistance under paragraph (1) di-

rectly or by providing financial assistance to a public agency or group of public agencies to undertake implementation activities approved by the Secretary.

“(3) 100 PERCENT FEDERAL SHARE.—The Secretary may not require any portion of the publicly financed costs associated with eligible activities to come from non-Federal sources.

“(4) CONTRIBUTION OF LAND.—Notwithstanding paragraph (3), the Secretary may accept land contributed by a State for right-of-way, without regard to whether the State acquired the land directly or indirectly through the use of Federal funds, including transfers from the Highway Trust Fund under section 9503 of the Internal Revenue Code of 1986.

“(5) PRIORITIES TO CHICAGO, ATLANTA, AND DALLAS/FORT WORTH.—In determining projects to be undertaken pursuant to this subsection, the Secretary shall give the highest priorities to undertaking implementation assistance in the vicinity of Union Station in Chicago, Illinois, in metropolitan Atlanta, Georgia, and in the Dallas/Fort Worth, Texas, area.

“(6) SPECIAL TRANSPORTATION CIRCUMSTANCES.—In carrying out this section, the Secretary shall allocate an appropriate portion of the

1 amounts available for implementation assistance to
 2 providing appropriate related assistance in any State
 3 the rail transportation system of which—

4 “(A) is not physically connected to rail sys-
 5 tems in the continental United States; and

6 “(B) may not otherwise qualify for high-
 7 speed rail implementation assistance due to the
 8 constraints imposed on the railway infrastruc-
 9 ture in that State due to the unique character-
 10 istics of the geography of that State or other
 11 relevant considerations, as determined by the
 12 Secretary.

13 “(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The
 14 following activities are eligible for implementation assist-
 15 ance under subsection (a):

16 “(1) Security planning and the acquisition of
 17 security and emergency response equipment.

18 “(2) Operating expenses.

19 “(3) Infrastructure acquisition and construction
 20 of track and facilities.

21 “(4) Highway-rail grade crossing eliminations
 22 and improvements.

23 “(5) Acquisition of rights-of-way, locomotives,
 24 rolling stock, track, and signal equipment.

1 “(c) CRITERIA FOR DETERMINING ASSISTANCE FOR
2 IMPLEMENTATION ACTIVITIES.—The Secretary, in select-
3 ing recipients of assistance under subsection (a), shall—

4 “(1) encourage the use of positive train control
5 technologies;

6 “(2) require that any project meet any existing
7 safety regulations; and give preference to any project
8 determined by the Secretary to have particularly
9 high levels of safety;

10 “(3) encourage intermodal connectivity by locat-
11 ing train stations in or near airports, bus terminals,
12 subway stations, ferry ports, and other modes of
13 transportation; and

14 “(4) ensure a general regional balance in pro-
15 viding such assistance and avoid the concentration
16 of a disproportionate dedication of available financial
17 assistance resources to a single project or region of
18 the country.

19 “(d) OPERATORS AND CERTAIN SERVICE PROVIDERS
20 DEEMED RAIL CARRIERS.—A person that conducts rail
21 operations; or performs catering, cleaning, construction,
22 maintenance or other services for rail operations; funded
23 or otherwise receiving assistance under this section is
24 deemed to be a rail carrier for purposes of part A of sub-
25 title IV, when so operating or performing such services.”.

1 (b) **RULEMAKING REQUIRED.**—Within 90 days after
 2 the date of enactment of this Act, the Secretary of Trans-
 3 portation shall initiate a rulemaking to create an applica-
 4 tion and qualification procedure for providing high-speed
 5 rail corridor implementation assistance under section
 6 26101A of title 49, United States Code.

7 (c) **CONFORMING AMENDMENT.**—The chapter anal-
 8 ysis for chapter 261 is amended by inserting after the item
 9 relating to section 26101 the following:

“26101A. Implementation of corridor plans”.

10 **SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

11 (a) **IN GENERAL.**—The Secretary of Transportation
 12 shall give priority in allocating funds authorized by section
 13 26104 of title 49, United States Code, to designated high-
 14 speed rail corridors.

15 (b) **DESIGNATED HIGH-SPEED RAIL CORRIDORS.**—
 16 For purposes of subsection (a), the following shall be con-
 17 sidered to be designated high-speed rail corridors:

18 (1) California Corridor connecting the San
 19 Francisco Bay area and Sacramento to Los Angeles
 20 and San Diego.

21 (2) Chicago Hub Corridor Network with the fol-
 22 lowing spokes:

23 (A) Chicago to Detroit.

24 (B) Chicago to Minneapolis/St. Paul, Min-
 25 nesota, via Milwaukee, Wisconsin.

1 (C) Chicago to Kansas City, Missouri, via
2 Springfield, Illinois, and St. Louis, Missouri.

3 (D) Chicago to Louisville, Kentucky, via
4 Indianapolis, Indiana, and Cincinnati, Ohio.

5 (E) Chicago to Cleveland, Ohio, via Toledo,
6 Ohio.

7 (F) Cleveland, Ohio, to Cincinnati, Ohio,
8 via Columbus, Ohio.

9 (3) Empire State Corridor from New York City,
10 New York, through Albany, New York, to Buffalo,
11 New York.

12 (4) Florida High-Speed Rail Corridor from
13 Tampa through Orlando to Miami.

14 (5) Gulf Coast Corridor from Houston Texas,
15 through New Orleans, Louisiana, to Mobile, Ala-
16 bama, with a branch from New Orleans, through
17 Meridian, Mississippi, and Birmingham, Alabama, to
18 Atlanta, Georgia.

19 (6) Keystone Corridor from Philadelphia, Penn-
20 sylvania, through Harrisburg, Pennsylvania, to
21 Pittsburgh, Pennsylvania.

22 (7) Northeast Corridor from Washington, Dis-
23 trict of Columbia, through New York City, New
24 York, New Haven, Connecticut, and Providence,
25 Rhode Island, to Boston, Massachusetts, with a

1 branch from New Haven, Connecticut, to Spring-
 2 field, Massachusetts.

3 (8) New England Corridor from Boston, Massa-
 4 chusetts, to Portland and Auburn, Maine, and from
 5 Boston, Massachusetts, through Concord, New
 6 Hampshire, and Montpelier, Vermont, to Montreal,
 7 Quebec.

8 (9) Pacific Northwest Corridor from Eugene,
 9 Oregon, through Portland, Oregon, and Seattle,
 10 Washington, to Vancouver, British Columbia.

11 (10) South Central Corridor from San Antonio,
 12 Texas, through Dallas/ Fort Worth to Little Rock,
 13 Arkansas, with a branch from Dallas/Fort Worth
 14 through Oklahoma City, Oklahoma, to Tulsa, Okla-
 15 homa.

16 (11) Southeast Corridor from Washington, Dis-
 17 trict of Columbia, through Richmond, Virginia, Ra-
 18 leigh, North Carolina, Columbia, South Carolina,
 19 Savannah, Georgia, and Jessup, Georgia, to Jack-
 20 sonville, Florida, with—

21 (A) a branch from Raleigh, North Caro-
 22 lina, through Charlotte, North Carolina, and
 23 Greenville, South Carolina, to Atlanta, Georgia;
 24 a branch from Richmond, to Hampton Roads/
 25 Norfolk, Virginia;

1 (B) a branch from Charlotte, North Caro-
 2 lina, to Columbia, South Carolina, to Charles-
 3 ton, South Carolina;

4 (C) a connecting route from Atlanta, Geor-
 5 gia, to Jessup, Georgia;

6 (D) a connecting route from Atlanta, Geor-
 7 gia, to Charleston, South Carolina; and

8 (E) a branch from Raleigh, North Caro-
 9 lina, through Florence, South Carolina, to
 10 Charleston, South Carolina, and Savannah,
 11 Georgia, with a connecting route from Florence,
 12 South Carolina, to Myrtle Beach, South Caro-
 13 lina.

14 (12) Southwest Corridor from Los Angeles,
 15 California, to Las Vegas, Nevada.

16 (e) OTHER HIGH-SPEED RAIL CORRIDORS.—For
 17 purposes of this section, subsection (b)—

18 (1) does not limit the term “designated high-
 19 speed rail corridor” to those corridors described in
 20 subsection (b); and

21 (2) does not limit the Secretary of Transpor-
 22 tation’s authority—

23 (A) to designate additional high-speed rail
 24 corridors; or

1 ~~(B)~~ to terminate the designation of any
 2 high-speed rail corridor.

3 **SEC. 205. LABOR STANDARDS.**

4 ~~(a)~~ EMPLOYEE PROTECTION.—The Secretary of
 5 Transportation shall require as a condition of any project
 6 financed in whole or in part by funds authorized by this
 7 Act that the project be conducted in a manner that pro-
 8 vides a fair arrangement at least as protective of the inter-
 9 ests of employees who are affected by the project so fund-
 10 ed as the terms imposed under arrangements reached
 11 under section 141 of the Amtrak Reform and Account-
 12 ability Act of 1997 (49 U.S.C. 24706 note) on rail ear-
 13 ners.

14 ~~(b)~~ LABOR STANDARDS.—

15 ~~(1)~~ PREVAILING WAGES.—The Secretary or
 16 Transportation—

17 ~~(A)~~ shall ensure that laborers and meehan-
 18 ics employed by contractors and subcontractors
 19 in construction work financed in whole or in
 20 part by funds authorized by this Act will be
 21 paid wages not less than those prevailing on
 22 similar construction in the locality, as deter-
 23 mined by the Secretary of Labor under the Act
 24 of March 3, 1931 (known as the Davis-Bacon
 25 Act, 40 U.S.C. 276a et seq.); and

1 (B) may make such funds available with
 2 respect to construction work only after being
 3 assured that required labor standards will be
 4 maintained on the construction work.

5 (2) WAGE RATES.—Wage rates in a collective
 6 bargaining agreement negotiated under the Railway
 7 Labor Act (45 U.S.C. 151 et seq.) are deemed for
 8 purposes of this subsection to comply with the Act
 9 of March 3, 1931 (known as the Davis-Bacon Act;
 10 40 U.S.C. 276a et seq.).

11 **SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED**
 12 **RAIL CORRIDORS.**

13 (a) IN GENERAL.—The entire cost of construction of
 14 projects for the elimination of hazards of railway-highway
 15 crossings in designated high-speed rail corridors, including
 16 the separation or protection of grades at crossings, the
 17 reconstruction of existing railroad grade crossing struc-
 18 tures, and the relocation of highways to eliminate grade
 19 crossings, may be paid from sums authorized by sub-
 20 section (k). In any case when the elimination of the haz-
 21 ards of a railway-highway crossing can be effected by the
 22 relocation of a portion of a railway at a cost estimated
 23 by the Secretary of Transportation to be less than the cost
 24 of such elimination by one of the methods mentioned in
 25 the first sentence of this section, then the entire cost of

1 such relocation project may be paid from sums authorized
2 by subsection (k).

3 (b) CLASSIFICATION OF PROJECTS.—The Secretary
4 may classify the various types of projects involved in the
5 elimination of hazards of high-speed rail corridor railway-
6 highway crossings, and may set for each such classifica-
7 tion a percentage of the costs of construction which shall
8 be deemed to represent the net benefit to the railroad or
9 railroads for the purpose of determining the railroad's
10 share of the cost of construction. The percentage so deter-
11 mined shall in no case exceed 10 per cent of such costs.
12 The Secretary shall determine the appropriate classifica-
13 tion of each project.

14 (c) LIABILITY OF RAILROAD.—Any railroad involved
15 in a project for the elimination of hazards of railway-high-
16 way crossings paid for in whole or in part from sums made
17 available under this section shall be liable to the United
18 States for the net benefit to the railroad determined under
19 the classification of such project made under subsection
20 (b). That liability to the United States may be discharged
21 by direct payment to the State transportation department
22 of the State in which the project is located, in which case
23 such payment shall be credited to the cost of the project.
24 The payment may consist in whole or in part of materials
25 and labor furnished by the railroad in connection with the

1 construction of the project. If any such railroad fails to
 2 discharge such liability within a 6-month period after com-
 3 pletion of the project, it shall be liable to the United States
 4 for its share of the cost, and the Secretary shall request
 5 the Attorney General to institute proceedings against such
 6 railroad for the recovery of the amount for which it is lia-
 7 ble under this subsection. The Attorney General is author-
 8 ized to bring such proceedings on behalf of the United
 9 States, in the appropriate district court of the United
 10 States, and the United States shall be entitled in such pro-
 11 ceedings to recover such sums as it is considered and ad-
 12 judged by the court that such railroad is liable for in the
 13 premises. Any amounts recovered by the United States
 14 under this subsection shall be credited to miscellaneous
 15 receipts.

16 (d) SURVEY AND SCHEDULE OF PROJECTS.—Each
 17 State shall conduct and systematically maintain a survey
 18 of all high-speed rail corridor railway-highway crossings
 19 to identify those railroad crossings which may require sep-
 20 aration, relocation, or protective devices, and establish and
 21 implement a schedule of projects for this purpose.

22 (e) FUNDS FOR PROTECTIVE DEVICES.—The Sec-
 23 retary shall give priority under this section to the elimi-
 24 nation of high-speed rail corridor railway-highway grade
 25 crossings, but shall make funds authorized for obligation

1 or expenditure under this section available for the installa-
 2 tion of protective devices at high-speed rail corridor rail-
 3 way-highway crossings where appropriate.

4 (f) APPORTIONMENT.—The Secretary shall apportion
 5 funds available for obligation and expenditure under this
 6 section between high-speed rail corridor railway-highway
 7 crossings on the Northeast Corridor and such crossings
 8 outside the Northeast Corridor in an equitable fashion,
 9 taking into account traffic volume, traffic patterns, fre-
 10 quency of trains, adequacy of existing hazard warnings,
 11 and such other factors as the Secretary deems appro-
 12 priate.

13 (g) ANNUAL REPORT.—The Secretary shall report to
 14 the Senate Committee on Commerce, Science, and Trans-
 15 portation and the House of Representatives Committee on
 16 Transportation and Infrastructure not later than Decem-
 17 ber 30 of each year on the progress being made to imple-
 18 ment the railway-highway crossings program authorized
 19 by this section and the effectiveness of such improvements.
 20 Each report shall contain an assessment of the costs of
 21 the various treatments employed and subsequent accident
 22 experience at improved locations. The report shall
 23 include—

24 (1) the number of projects undertaken, their
 25 distribution by cost range, road system, nature of

1 treatment, and subsequent accident experience at
 2 improved locations;

3 ~~(2)~~ an analysis and evaluation of the program
 4 activities in each State, including identification of
 5 any State found not to be in compliance with the
 6 schedule of improvements required by subsection (d);
 7 and

8 ~~(3)~~ recommendations for future implementation
 9 of the railway-highway crossings program under this
 10 section and section 130 of title 23, United States
 11 Code.

12 ~~(h) USE OF FUNDS FOR MATCHING.—Funds author-~~
 13 ized to be appropriated to carry out this section may be
 14 used to provide a local government with funds to be used
 15 on a matching basis when State funds are available which
 16 may only be spent when the local government produces
 17 matching funds for the improvement of railway-highway
 18 crossings.

19 ~~(i) INCENTIVE PAYMENTS FOR AT-GRADE CROSSING~~
 20 ~~CLOSURES.—~~

21 ~~(1) IN GENERAL.—~~Notwithstanding any other
 22 provision of this section and subject to paragraphs
 23 ~~(2)~~ and ~~(3)~~, the Secretary may make incentive pay-
 24 ments to a local government upon the permanent
 25 closure by such government of public at-grade high-

1 speed rail corridor railway-highway crossings under
2 its jurisdiction.

3 ~~(2) INCENTIVE PAYMENTS BY RAILROADS.—~~

4 The Secretary may not make an incentive payment
5 under paragraph (1) to a local government with re-
6 spect to the closure of a crossing unless the railroad
7 owning the tracks on which the crossing is located
8 makes an incentive payment to the government with
9 respect to the closure.

10 ~~(3) AMOUNT OF FEDERAL INCENTIVE PAY-~~
11 ~~MENT.—~~The amount of the incentive payment pay-
12 able to a local government under paragraph (1) with
13 respect to a crossing may not exceed the lesser of—

14 ~~(A) the amount of the incentive payment~~
15 ~~paid to the government with respect to the~~
16 ~~crossing by the railroad concerned under para-~~
17 ~~graph (2); or~~

18 ~~(B) \$ 7,500.~~

19 ~~(j) COORDINATION WITH TITLE 23 PROGRAM.—~~In
20 carrying out this section, the Secretary shall—

21 ~~(1) implement this section in accordance with~~
22 ~~the classification of projects and railroad share of~~
23 ~~the cost as provided in section 646.210 of title 23,~~
24 ~~Code of Federal Regulations; and~~

1 (2) coordinate the administration of this section
 2 with the program established by section 130 of title
 3 23, United States Code, in order to avoid duplication
 4 of effort and to ensure the effectiveness of both pro-
 5 grams.

6 (k) FUNDING.—Not less than 10 percent of the
 7 amounts appropriated for each fiscal year to carry out sec-
 8 tion 26101A shall be obligated or expended to carry out
 9 this section.

10 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 26104 is amended to read as follows:

12 **“§ 26104. Authorization of appropriations**

13 “(a) FISCAL YEARS 2003 THROUGH 2008.—There
 14 are authorized to be appropriated to the Secretary for
 15 each of fiscal years 2003 through 2008—

16 “(1) \$25,000,000 for carrying out section
 17 26101;

18 “(2) \$1,500,000,000 for carrying out section
 19 26101A; and

20 “(3) \$25,000,000 for carrying out section
 21 26102.

22 “(b) FUNDS TO REMAIN AVAILABLE.—Funds made
 23 available under this section shall remain available until ex-
 24 pend.

1 “(c) ~~SPECIAL RULE.—Except as specifically provided~~
 2 in section 26101, 26101A, or 26102, no amount author-
 3 ized by subsection (a) may be used for obligation or ex-
 4 penditure on the Boston-to-Washington segment of the
 5 Northeast Corridor while that segment is receiving Fed-
 6 eral funds for capital or operating expenses.”.

7 **TITLE III—NATIONAL RAILROAD** 8 **PASSENGER CORPORATION**

9 **SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPOR-** 10 **TATION SYSTEM DEFINED.**

11 (a) ~~IN GENERAL.—~~Section 24102 is amended—

12 (1) by striking paragraph (2);

13 (2) by redesignating paragraphs (3), (4), and
 14 (5) as paragraphs (2), (3), and (4), respectively; and

15 (3) by inserting after paragraph (4) as so re-
 16 designated the following:

17 “(5) ‘national rail passenger transportation sys-
 18 tem’ means—

19 “(A) the spine of the Northeast Corridor
 20 between Boston, Massachusetts and Wash-
 21 ington, D.C.;

22 “(B) rail corridors that have been des-
 23 ignated by the Secretary of Transportation as
 24 high-speed corridors, but only after they have

1 been improved to permit operation of high-
2 speed service;

3 “(C) long-distance routes of more than
4 750 miles between endpoints operated by Am-
5 trak as of the date of enactment of the Na-
6 tional Defense Rail Act; and

7 “(D) short-distance corridors or routes op-
8 erated as of the date of enactment of the Na-
9 tional Defense Rail Act, unless discontinued by
10 Amtrak.”.

11 (b) AMTRAK ROUTES WITH STATE FUNDING.—

12 (1) IN GENERAL.—Chapter 247 is amended by
13 inserting after section 27101 the following:

14 **“§ 24702. Transportation requested by States, au-**
15 **thorities, and other persons**

16 “(a) CONTRACTS FOR TRANSPORTATION.—Amtrak
17 and a State, a regional or local authority, or another per-
18 son may enter into a contract for Amtrak to operate an
19 intercity rail service or route not included in the national
20 rail passenger transportation system upon such terms as
21 the parties thereto may agree.

22 “(b) DISCONTINUANCE.—Upon termination of a con-
23 tract entered into under this section, or the cessation of
24 financial support under such a contract, Amtrak may dis-

1 continue such service or route, notwithstanding any other
 2 provision of law.”.

3 ~~(2)~~ CONFORMING AMENDMENT.—The chapter
 4 analysis for chapter 247 is amended by inserting
 5 after the item relating to section 24701 the fol-
 6 lowing:

“24702. Transportation requested by States, authorities, and other persons”.

7 **SEC. 302. EXTENSION OF AUTHORIZATION.**

8 (a) IN GENERAL.—Section 24104(a) is amended—

9 (1) by striking “and” in paragraph (4);

10 (2) by striking “2002,” in paragraph (5) and
 11 inserting “2002; and”; and

12 (3) by inserting after paragraph (5) the fol-
 13 lowing:

14 “(6) such sums as are authorized by this title
 15 and by the National Defense Rail Act for fiscal
 16 years 2003 through 2007.”.

17 (b) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.

18 (1) TITLE 49 AMENDMENTS.—Chapter 241 is
 19 amended—

20 (A) by striking the last sentence of section
 21 24101(d); and

22 (B) by striking the last sentence of section
 23 24104(a).

24 (2) AMTRAK REFORM AND ACCOUNTABILITY
 25 ACT AMENDMENTS.—Title II of the Amtrak Reform

1 and Accountability Act of 1997 (49 U.S.C. 24101
2 nt) is amended by striking sections 204 and 205.

3 ~~(3) COMMON STOCK REDEMPTION DATE.—~~Sec-
4 tion 415 of the Amtrak Reform and Accountability
5 Act of 1997 (49 U.S.C. 24304 nt) is amended by
6 striking subsection (b).

7 ~~(c) LEASE ARRANGEMENTS.—~~Amtrak may obtain
8 services from the Administrator of General Services, and
9 the Administrator may provide services to Amtrak, under
10 section 201(b) and 211(b) of the Federal Property and
11 Administrative Service Act of 1949 (40 U.S.C. 481(b) and
12 491(b)) for fiscal year 2003 and each fiscal year there-
13 after.

14 ~~(d) MISCELLANEOUS AMTRAK-RELATED AMEND-~~
15 ~~MENTS.—~~

16 ~~(1) FINANCIAL POWERS.—~~Section 415(d) of the
17 Amtrak Reform and Accountability Act of 1997 by
18 adding at the end the following:

19 “~~(3)~~ This section does not affect the applica-
20 bility of section 3729 of title 31, United States
21 Code, to claims made against Amtrak.”.

22 ~~(2) APPLICATION OF D.C. CORPORATION ACT.—~~
23 Section 24301(e) is amended by striking “title 5,
24 this part, and, to the extent consistent with this
25 part, the District of Columbia Corporation Act (D.C.

1 Code 29-301 et seq.)” and inserting “title 5 and this
2 part”.

3 ~~(3) APPLICATION OF BUY AMERICAN ACT.—~~Sec-
4 tion 24305(f) is amended to read as follows:

5 “(f) DOMESTIC BUYING PREFERENCES.—The Buy
6 American Act (41 U.S.C. 10a) and section 301 of the
7 Trade Agreements Act of 1979 (19 U.S.C. 2511) apply
8 to Amtrak.”.

9 **SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.**

10 (a) EXCESS RRTA.—There are authorized to be ap-
11 propriated to the Secretary of Transportation for the use
12 of Amtrak for fiscal year 2003, and each fiscal year there-
13 after, an amount equal to the amount Amtrak must pay
14 under section 3221 of the Internal Revenue Code of 1986
15 in fiscal years that is more than the amount needed for
16 benefits for individuals who retire from Amtrak and for
17 their beneficiaries.

18 (b) PRINCIPAL AND INTEREST PAYMENTS.—

19 (1) PRINCIPAL ON DEBT SERVICE.—There are
20 authorized to be appropriated to the Secretary of
21 Transportation for the use of Amtrak for retirement
22 of principal on loans for capital equipment, or cap-
23 ital leases, the following amounts:

24 (A) For fiscal year 2003, \$105,000,000.

25 (B) For fiscal year 2004, \$93,000,000.

1 (C) For fiscal year 2005, \$105,000,000.

2 (D) For fiscal year 2006, \$108,000,000.

3 (E) For fiscal year 2007, \$183,000,000.

4 (2) INTEREST ON DEBT.—There are authorized
5 to be appropriated to the Secretary of Transpor-
6 tation for the use of Amtrak for the payment of in-
7 terest on loans for capital equipment, or capital
8 leases, the following amounts:

9 (A) For fiscal year 2003, \$160,000,000.

10 (B) For fiscal year 2004, \$157,000,000.

11 (C) For fiscal year 2005, \$147,000,000.

12 (D) For fiscal year 2006, \$142,000,000.

13 (E) For fiscal year 2007, \$134,000,000.

14 (e) ENVIRONMENTAL COMPLIANCE.—There are au-
15 thorized to be appropriated to the Secretary of Transpor-
16 tation for the use of Amtrak for fiscal year 2003, and each
17 fiscal year thereafter, \$30,000,000, of which one-third
18 shall be obligated or expended on the Northeast Corridor
19 and two-thirds shall be obligated or expended outside the
20 Northeast Corridor, in order to comply with environmental
21 regulations.

22 (d) COMPLIANCE WITH ADA REQUIREMENTS.—

23 (1) IN GENERAL.—There are authorized to be
24 appropriated to the Secretary of Transportation for
25 the use of Amtrak for each of fiscal years 2003

1 through 2007, \$43,000,000 for access improvements
 2 in facilities and stations necessary to comply with
 3 the requirements of the Americans With Disabilities
 4 Act of 1990 (42 U.S.C. 12162), including an initial
 5 assessment of the full set of needs across the na-
 6 tional rail passenger transportation system, of
 7 which—

8 (A) \$10,000,000 shall be obligated or ex-
 9 pended on the Northeast Corridor; and

10 (B) \$33,000,000,000 shall be obligated or
 11 expended outside the Northeast Corridor, of
 12 which \$15,000,000 shall be obligated or ex-
 13 pended for long-distance trains.

14 (2) BEST EFFORTS REQUIREMENT.—If Amtrak
 15 fails to meet the period for compliance requirement
 16 imposed by section 242(c)(2)(A)(ii)(I) of the Ameri-
 17 cans With Disabilities Act of 1990 (42 U.S.C.
 18 12162(c)(2)(A)(ii)(I))—

19 (A) it shall not be considered discrimina-
 20 tion for purposes of section 202 of that Act (42
 21 U.S.C. 12132) or section 504 of the Rehabilita-
 22 tion Act of 1973 (29 U.S.C. 794) if Amtrak
 23 demonstrates to the satisfaction of the Sec-
 24 retary of Transportation that—

(i) Amtrak has made substantial progress toward meeting the requirements of section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)); and

(ii) Amtrak's failure to meet the period of compliance requirement of that section is attributable to the insufficiency of appropriated funds; and

(B) the period for compliance under section 242(e)(2)(A)(ii)(I) of the Americans With Disabilities Act of 1990 (42 U.S.C. 12162(e)(2)(A)(ii)(I)) shall be extended until—

(i) sufficient funds have been appropriated to the Secretary of Transportation for the use of Amtrak to enable Amtrak to comply fully with the requirements of that section; and

(ii) a reasonable period of time for the completion of necessary construction so funded has passed.

SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation for the use of

1 Amtrak for fiscal year 2003, and each fiscal year there-
 2 after, the following amounts:

3 (1) ~~\$370,000,000~~ for capital backlog on infra-
 4 structure on the Northeast Corridor to bring infra-
 5 structure up to state-of-good-repair, including re-
 6 newal of the South End electric traction system, im-
 7 provements on bridges and tunnels, and interlocking
 8 and signal system renewal.

9 (2) ~~\$60,000,000~~ for capital backlog on fleet to
 10 bring existing fleet to a state-of-good-repair, includ-
 11 ing equipment replacement and upgrades necessary
 12 to meet current service commitments.

13 (3) ~~\$40,000,000~~ for capital backlog on stations
 14 and facilities, including improvements to the facility
 15 and platform at the existing Penn Station, and
 16 bringing maintenance-of-way facilities up to state-of-
 17 good-repair.

18 (4) ~~\$350,000,000~~ for ongoing capital
 19 infrastructure—

20 (A) to replace assets on a life-cycle basis;

21 (B) to ensure that a state-of-good-repair is
 22 maintained in order to meet safety and reli-
 23 ability standards; and

24 (C) to meet current service commitments.

1 (5) \$40,000,000 for ongoing capital fleet invest-
 2 ment to sustain regularly scheduled maintenance, in-
 3 cluding a 120-day cycle of preventive maintenance,
 4 and heavy overhauls on a 4-year schedule, with inte-
 5 rior enhancements as needed.

6 (6) \$30,000,000 for ongoing capital improve-
 7 ments to stations and facilities to provide for regular
 8 upgrades to stations to meet current service needs,
 9 and regular improvements to maintenance-of-equip-
 10 ment and maintenance-of-way facilities.

11 (7) \$20,000,000 for ongoing technology up-
 12 grades of reservation, distribution, financial, and op-
 13 erations systems, including hardware, software, in-
 14 frastructure, and communications.

15 (b) LIFE SAFETY NEEDS.—There are authorized to
 16 be appropriated to the Secretary of Transportation for the
 17 use of Amtrak for fiscal year 2003:

18 (1) \$798,000,000 for the 6 New York tunnels
 19 built in 1910 to provide ventilation, electrical, and
 20 fire safety technology upgrades, emergency commu-
 21 nication and lighting systems, and emergency access
 22 and egress for passengers.

23 (2) \$57,000,000 for the Baltimore & Potomac
 24 tunnel built in 1872 to provide adequate drainage;

1 ventilation, communication, lighting, and passenger
 2 egress upgrades.

3 ~~(3) \$40,000,000 for the Washington, D.C.~~
 4 ~~Union Station tunnels built in 1904 under the Su-~~
 5 ~~preme Court and House and Senate Office Buildings~~
 6 ~~to improve ventilation, communication, lighting, and~~
 7 ~~passenger egress upgrades.~~

8 ~~(c) INFRASTRUCTURE UPGRADES.—There are au-~~
 9 ~~thorized to be appropriated to the Secretary of Transpor-~~
 10 ~~tation for the use of Amtrak for fiscal year 2003,~~
 11 ~~\$3,000,000 for the preliminary design of options for a new~~
 12 ~~tunnel on a different alignment to augment the capacity~~
 13 ~~of the existing Baltimore tunnels.~~

14 ~~(d) CORRIDOR GROWTH INVESTMENT.—There are~~
 15 ~~authorized to be appropriated to the Secretary of Trans-~~
 16 ~~portation for the use of Amtrak for corridor growth invest-~~
 17 ~~ments in the Northeast Corridor—~~

18 ~~(1) For fiscal year 2003, \$200,000,000.~~

19 ~~(2) For fiscal year 2004, \$300,000,000.~~

20 ~~(3) For fiscal year 2005, \$400,000,000.~~

21 ~~(4) For fiscal year 2006, \$500,000,000.~~

22 ~~(5) For fiscal year 2007, \$600,000,000.~~

23 ~~(e) FINANCIAL CONTRIBUTION FROM OTHER TUN-~~
 24 ~~NEL USERS.—The Secretary shall, taking into account the~~

1 need for the timely completion of all life safety portions
 2 of the tunnel projects described in subsection (b)—

3 (1) consider the extent to which rail carriers
 4 other than Amtrak use the tunnels;

5 (2) consider the feasibility of seeking a financial
 6 contribution from those other rail carriers toward
 7 the costs of the projects; and

8 (3) obtain financial contributions or commit-
 9 ments from such other rail carriers if feasible.

10 (f) AVAILABILITY OF FUNDS.—Amounts appro-
 11 priated pursuant to this section shall remain available
 12 until expended.

13 (g) REINVESTMENT OF NEC OPERATING PROFIT.—
 14 Amtrak shall invest any revenue from operations in the
 15 Northeast Corridor in capital needs of the corridor until
 16 the backlog of capital improvements are completed under
 17 Amtrak's 20-year plan.

18 **SEC. 305. LONG DISTANCE TRAINS.**

19 (a) IN GENERAL.—There are authorized to be appro-
 20 priated to the Secretary of Transportation for the use of
 21 Amtrak for fiscal year 2003, and each fiscal year there-
 22 after, \$360,000,000 for operating costs associated with
 23 long distance trains.

24 (b) CAPITAL BACKLOG AND UPGRADES.—There are
 25 authorized to be appropriated to the Secretary of Trans-

1 portation for the use of Amtrak for fiscal year 2003, and
 2 each fiscal year thereafter, \$70,000,000 to reduce the cap-
 3 ital backlog and to bring its existing fleet to a state-of-
 4 good-repair, including equipment replacement and up-
 5 grades necessary to meet current service commitments.

6 (c) ~~ONGOING CAPITAL INFRASTRUCTURE INVEST-~~
 7 ~~MENTS.~~—There are authorized to be appropriated to the
 8 Secretary of Transportation for the use of Amtrak for fis-
 9 cal year 2003, and each fiscal year thereafter,
 10 \$80,000,000 for ongoing capital infrastructure—

11 (1) to replace assets on a life-cycle basis;

12 (2) to ensure that a state-of-good-repair is
 13 maintained in order to meet safety and reliability
 14 standards;

15 (3) to meet current service commitments; and

16 (4) to provide funds for investment in partner
 17 railroads to operate passenger service at currently
 18 committed levels.

19 (d) ~~CAPITAL FLEET NEEDS.~~—There are authorized
 20 to be appropriated to the Secretary of Transportation for
 21 the use of Amtrak for fiscal year 2003, and each fiscal
 22 year thereafter, \$50,000,000 for ongoing capital fleet
 23 needs to sustain regularly scheduled maintenance, includ-
 24 ing a 120-day cycle of preventive maintenance, and heavy

1 overhauls on a 4-year schedule, with interior enhance-
 2 ments as needed.

3 (e) CAPITAL STATIONS AND FACILITIES.—There are
 4 authorized to be appropriated to the Secretary of Trans-
 5 portation for the use of Amtrak for fiscal year 2003, and
 6 each fiscal year thereafter, \$10,000,000 for ongoing cap-
 7 ital stations and facilities needs to provide regular up-
 8 grades to stations to meet current service needs, and reg-
 9 ular improvements to maintenance-of-way equipment and
 10 maintenance-of-way facilities.

11 (f) TECHNOLOGY NEEDS.—There are authorized to
 12 be appropriated to the Secretary of Transportation for the
 13 use of Amtrak for fiscal year 2003, and each fiscal year
 14 thereafter, \$10,000,000 for ongoing technology needs to
 15 upgrade reservation, distribution, financial, and oper-
 16 ations systems, including hardware, software, infrastruc-
 17 ture, and communications.

18 **SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED**
 19 **ROUTES.**

20 There are authorized to be appropriated to the Sec-
 21 retary of Transportation for the use of Amtrak for fiscal
 22 year 2003, and each fiscal year thereafter, for obligation
 23 and expenditure on routes outside the Northeast
 24 Corridor—

1 (1) \$20,000,000 for capital backlog on infra-
2 structure to bring infrastructure up to a state-of-
3 good-repair, including improvements on bridges and
4 tunnels that are approaching the end of their useful
5 life and interlocking and signal system renewal;

6 (2) \$10,000,000 for capital backlog on its fleet
7 to bring Amtrak's existing fleet as of the date of en-
8 actment of this Act to a state-of-good-repair, includ-
9 ing equipment replacement and upgrades necessary
10 to meet current service commitments;

11 (3) \$170,000,000 for ongoing capital infra-
12 structure to replace assets on a life-cycle basis to en-
13 sure a state-of-good-repair is maintained in order to
14 meet safety and reliability standards needed to de-
15 liver current service commitments, including invest-
16 ment in partner railroads to operate passenger serv-
17 ice at currently committed levels.

18 (4) \$40,000,000 for ongoing capital fleet needs
19 to sustain regularly scheduled maintenance, includ-
20 ing a 120-day cycle preventive maintenance sched-
21 ule, and heavy overhauls on a 4-year schedule, with
22 interior enhancements as needed;

23 (5) \$10,000,000 for ongoing capital stations
24 and facilities needs to provide regular upgrades to
25 stations to meet current service needs, and regular

1 improvements to maintenance-of-way equipment and
2 maintenance-of-way facilities; and

3 (6) \$20,000,000 for ongoing technology needs
4 to upgrade of reservation, distribution, financial, and
5 operations systems, including hardware, software, in-
6 frastructure and communications.

7 **SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR**
8 **SAFETY COMMITTEE.**

9 (a) RE-ESTABLISHMENT OF NORTHEAST CORRIDOR
10 SAFETY COMMITTEE.—The Secretary of Transportation
11 shall re-establish the Northeast Corridor Safety Com-
12 mittee authorized by section 24905(b) of title 49, United
13 States Code.

14 (b) TERMINATION DATE.—Section 24905(b)(4) is
15 amended by striking “January 1, 1999,” and inserting
16 “January 1, 2008,”.

17 **SEC. 308. ON-TIME PERFORMANCE.**

18 Section 24308 is amended by adding at the end the
19 following:

20 “(f) ON-TIME PERFORMANCE.—If the on-time per-
21 formance of any intercity passenger train averages less
22 than 80 percent for any consecutive 3-month period, Am-
23 trak may petition the Surface Transportation Board to in-
24 vestigate whether, and to what extent, delays are due to
25 causes that could reasonably be addressed by a rail carrier

1 over the tracks of which the intercity passenger train oper-
 2 ates, or by a regional authority providing commuter serv-
 3 ice, if any. In carrying out such an investigation, the Sur-
 4 face Transportation Board shall obtain information from
 5 all parties involved and make recommendations regarding
 6 reasonable measures to improve the on-time performance
 7 of the train.”.

8 **SEC. 309. AMTRAK BOARD OF DIRECTORS.**

9 (a) IN GENERAL.—Section 24302 is amended to read
 10 as follows:

11 **“§ 24302. Board of directors**

12 **“(a) COMPOSITION AND TERMS.—**

13 **“(1) The board of directors of Amtrak is com-**
 14 **posed of the following 9 directors, each of whom**
 15 **must be a citizen of the United States:**

16 **“(A) The President of Amtrak.**

17 **“(B) The Secretary of Transportation.**

18 **“(C) 7 individuals appointed by the Presi-**
 19 **dent of the United States, by and with the ad-**
 20 **vice and consent of the Senate, with an interest,**
 21 **experience, and qualifications in or directly re-**
 22 **lated to rail transportation, including represent-**
 23 **atives of the passenger rail transportation, trav-**
 24 **el, hospitality, cruise line, and passenger air**

1 transportation businesses, and consumers of
2 passenger rail transportation.

3 ~~“(2) An individual appointed under paragraph~~
4 ~~(1)(C) of this subsection serves for 5 years or until~~
5 ~~the individual’s successor is appointed and qualified.~~
6 ~~Not more than 4 individuals appointed under para-~~
7 ~~graph (1)(C) may be members of the same political~~
8 ~~party.~~

9 ~~“(3) The board shall elect a chairman and a~~
10 ~~vice chairman from among its membership. The vice~~
11 ~~chairman shall serve as chairman in the absence of~~
12 ~~the chairman.~~

13 ~~“(4) The Secretary may be represented at a~~
14 ~~meeting of the board only by the Deputy Secretary~~
15 ~~of Transportation, the Administrator of the Federal~~
16 ~~Railroad Administration, or the General Counsel of~~
17 ~~the Department of Transportation.~~

18 ~~“(b) PAY AND EXPENSES.—Each director not em-~~
19 ~~ployed by the United States Government is entitled to~~
20 ~~\$300 a day when performing board duties and powers.~~
21 ~~Each director is entitled to reimbursement for necessary~~
22 ~~travel, reasonable secretarial and professional staff sup-~~
23 ~~port, and subsistence expenses incurred in attending board~~
24 ~~meetings.~~

1 “(c) VACANCIES.—A vacancy on the board is filled
 2 in the same way as the original selection, except that an
 3 individual appointed by the President of the United States
 4 under subsection (a)(1)(C) of this section to fill a vacancy
 5 occurring before the end of the term for which the prede-
 6 cessor of that individual was appointed is appointed for
 7 the remainder of that term. A vacancy required to be filled
 8 by appointment under subsection (a)(1)(C) must be filled
 9 not later than 120 days after the vacancy occurs.

10 “(d) BYLAWS.—The board may adopt and amend by-
 11 laws governing the operation of Amtrak. The bylaws shall
 12 be consistent with this part and the articles of incorpora-
 13 tion.”.

14 (b) EFFECTIVE DATE.—The amendment made by
 15 subsection (a) shall take effect on October 1, 2003. The
 16 members of the Amtrak Reform Board may continue to
 17 serve until 3 directors appointed by the President under
 18 section 24302(a) of title 49, United States Code, as
 19 amended by subsection (a), have qualified for office.

20 **SEC. 310. INDEPENDENT AUDIT OF AMTRAK OPERATIONS;**

21 **REVIEW BY DOT IG.**

22 (a) IN GENERAL.—Amtrak shall employ an inde-
 23 pendent financial consultant—

24 (1) to assess its financial accounting and re-
 25 porting system;

1 (2) to design and assist Amtrak in imple-
 2 menting a modern financial accounting and report-
 3 ing system, on the basis of the assessment, that will
 4 produce accurate and timely financial information in
 5 sufficient detail—

6 (A) to enable Amtrak to assign revenues
 7 and expenses appropriately to each of its lines
 8 of business activity; and

9 (B) to aggregate expenses and revenues re-
 10 lated to infrastructure and distinguish them
 11 from expenses and revenues related to rail oper-
 12 ations.

13 (b) VERIFICATION OF SYSTEM; REPORT.—The In-
 14 spector General of the Department of Transportation shall
 15 review the accounting system designed and implemented
 16 under subsection (a) to ensure that it accomplishes the
 17 purposes for which it is intended. The Inspector General
 18 shall report his findings and conclusions, together with
 19 any recommendations, to the Senate Committee on Com-
 20 merce, Science, and Transportation and the House of Rep-
 21 resentatives Committee on Transportation and Infrastruc-
 22 ture.

23 (c) REVIEW OF FINANCIAL STATUS AND FUNDING
 24 REQUIREMENTS BY DOT INSPECTOR GENERAL.—The In-
 25 spector General of the Department of Transportation

1 shall, as part of the Department's annual assessment of
 2 Amtrak's financial status and capital funding require-
 3 ments review the obligation and expenditure of funds
 4 under each such funding document, procedure, or arrange-
 5 ment to ensure that the expenditure and obligation of
 6 those funds are consistent with the purposes for which
 7 they are provided under this Act.

8 (d) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated to the Secretary of
 10 Transportation for the use of Amtrak \$2,500,000 for fis-
 11 cal year 2003 to carry out subsection (a), such sums to
 12 remain available until expended.

13 **TITLE IV—MISCELLANEOUS**

14 **SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY** 15 **FINANCING.**

16 (a) DEFINITIONS.—Section 102(7) of the Railroad
 17 Revitalization and Regulatory Reform Act of 1976 (45
 18 U.S.C. 802(7)) is amended to read as follows:

19 “(7) ‘railroad’ has the meaning given that term
 20 in section 20102 of title 49, United States Code;
 21 and”.

22 (b) GENERAL AUTHORITY.—Section 502 of the Rail-
 23 road Revitalization and Regulatory Reform Act of 1976
 24 (45 U.S.C. 822) is amended—

1 (1) by striking “Secretary may provide direct
2 loans and loan guarantees to State and local govern-
3 ments,” in subsection (a) and inserting “Secretary
4 shall provide direct loans and loan guarantees to
5 State and local governments, interstate compacts en-
6 tered into under section 410 of the Amtrak Reform
7 and Accountability Act of 1997 (49 U.S.C 24101
8 nt),”;

9 (2) by striking “or” in subsection (b)(1)(B);

10 (3) by redesignating subparagraph (C) of sub-
11 section (b)(1) as subparagraph (D); and

12 (4) by inserting after subparagraph (B) of sub-
13 section (b)(1) the following:

14 “(C) to acquire, improve, or rehabilitate
15 rail safety and security equipment and facilities;
16 or”.

17 (e) EXTENT OF AUTHORITY.—Section 502(d) of the
18 Railroad Revitalization and Regulatory Reform Act of
19 1976 (45 U.S.C. 822(d)) is amended—

20 (1) by striking “\$3,500,000,000” and inserting
21 “\$35,000,000,000”;

22 (2) by striking “\$1,000,000,000” and inserting
23 “\$7,000,000,000”; and

24 (3) by adding at the end the following new sen-
25 tence: “The Secretary shall not establish any limit

1 on the proportion of the unused amount authorized
 2 under this subsection that may be used for 1 loan
 3 or loan guarantee.”.

4 (d) COHORTS OF LOANS.—Section 502(f) of the Rail-
 5 road Revitalization and Regulatory Reform Act of 1976
 6 (45 U.S.C. 822(f)) is amended—

7 (1) in paragraph (2)—

8 (A) by striking “and” at the end of sub-
 9 paragraph (D);

10 (B) by redesignating subparagraph (E) as
 11 subparagraph (F); and

12 (C) by adding after subparagraph (D) the
 13 following new subparagraph:

14 “(E) the size and characteristics of the co-
 15 hort of which the loan or loan guarantee is a
 16 member; and”; and

17 (2) by adding at the end of paragraph (4) the
 18 following: “A cohort may include loans and loan
 19 guarantees. The Secretary shall not establish any
 20 limit on the proportion of a cohort that may be used
 21 for 1 loan or loan guarantee.”.

22 (e) CONDITIONS OF ASSISTANCE.—Section 502 of the
 23 Railroad Revitalization and Regulatory Reform Act of
 24 1976 (45 U.S.C. 822) is amended—

1 (1) by striking “offered;” in subsection
2 (f)(2)(A) and inserting “offered, if any;”and

3 (2) by adding at the end of subsection (h) the
4 following: “The Secretary shall not require an appli-
5 cant for a direct loan or loan guarantee under this
6 section to provide collateral. The Secretary shall not
7 require that an applicant for a direct loan or loan
8 guarantee under this section have previously sought
9 the financial assistance requested from another
10 source. The Secretary shall require recipients of di-
11 rect loans or loan guarantees under this section to
12 apply the standards of section 22301(b) and (c) of
13 title 49, United States Code, to their projects.”.

14 (f) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
15 Section 502 of the Railroad Revitalization and Regulatory
16 Reform Act of 1976 (45 U.S.C. 822) is amended by add-
17 ing at the end the following:

18 “(i) TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—
19 Not later than 180 days after receiving a complete appli-
20 cation for a direct loan or loan guarantee under this sec-
21 tion, the Secretary shall approve or disapprove the applica-
22 tion.”.

23 (g) FEES AND CHARGES.—Section 503 of the Rail-
24 road Revitalization and Regulatory Reform Act of 1976
25 (45 U.S.C. 823) is amended—

1 (1) by adding at the end of subsection (k) the
 2 following: “Funds received by the Secretary under
 3 the preceding sentence shall be credited to the ap-
 4 propriation from which the expenses of making such
 5 appraisals, determinations, and findings were in-
 6 curred.”; and

7 (2) by adding at the end the following new sub-
 8 section:

9 “(1) FEES AND CHARGES.—Except as provided in
 10 this title, the Secretary may not assess any fees, including
 11 user fees, or charges in connection with a direct loan or
 12 loan guarantee provided under section 502.”.

13 (h) SUBSTANTIVE CRITERIA AND STANDARDS.—Not
 14 later than 30 days after the date of the enactment of this
 15 Act, the Secretary of Transportation shall publish in the
 16 Federal Register and post on the Department of Trans-
 17 portation website the substantive criteria and standards
 18 used by the Secretary to determine whether to approve
 19 or disapprove applications submitted under section 502 of
 20 the Railroad Revitalization and Regulatory Reform Act of
 21 1976 (45 U.S.C. 822).

22 (i) OPERATORS AND SERVICE PROVIDERS DEEMED
 23 RAIL CARRIERS.—Section 502 of the Railroad Revitaliza-
 24 tion and Regulatory Reform Act of 1976 (45 U.S.C. 822),

1 as amended by subsection (f), is amended by adding at
 2 the end the following:

3 “(j) **OPERATORS AND CERTAIN SERVICE PROVIDERS**
 4 **DEEMED RAIL CARRIERS.**—A person that conducts rail
 5 operations, or performs catering, cleaning, construction,
 6 maintenance, or other services for rail operations, funded
 7 or otherwise receiving assistance under this section is
 8 deemed to be a rail carrier for purposes of part A of sub-
 9 title IV of title 49, United States Code, when so operating
 10 or performing such services.”

11 **SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PRO-**
 12 **GRAM.**

13 (a) **IN GENERAL.**—Chapter 249 is amended by add-
 14 ing at the end the following:

15 **“§ 24910. Passenger rail cooperative research pro-**
 16 **gram**

17 “(a) **IN GENERAL.**—The Secretary shall establish
 18 and carry out a rail passenger cooperative research pro-
 19 gram. The program shall—

20 “(1) address, among other matters, intercity
 21 rail passenger services, including existing rail pas-
 22 senger technologies and speeds, incrementally en-
 23 hanced rail systems and infrastructure, and new
 24 high-speed wheel-on-rail systems;

1 “(2) give consideration to research on com-
 2 muter rail, regional rail, freight rail, and other
 3 modes of rail transportation that may affect rail
 4 passenger transportation due to the interconnected-
 5 ness of the rail passenger network with other rail
 6 transportation services; and

7 “(3) give consideration to regional concerns re-
 8 garding rail passenger transportation, including
 9 meeting research needs common to designated high-
 10 speed corridors, long-distance rail services, and re-
 11 gional intercity rail corridors, projects, and entities.

12 “(b) CONTENTS.—The program to be carried out
 13 under this section shall include research designed—

14 “(1) to develop more accurate models for evalu-
 15 ating the indirect effects of rail passenger service,
 16 including the effects on highway and airport and air-
 17 way congestion, environmental quality, and energy
 18 consumption;

19 “(2) to develop a better understanding of modal
 20 choice as it affects rail passenger transportation, in-
 21 cluding development of better models to predict rid-
 22 ership;

23 “(3) to recommend priorities for technology
 24 demonstration and development;

1 “(4) to meet additional priorities as determined
2 by the advisory board established under subsection
3 (c), including any recommendations made by the Na-
4 tional Research Council;

5 “(5) to explore improvements in management,
6 financing, and institutional structures;

7 “(6) to address rail capacity constraints that
8 affect passenger rail service through a wide variety
9 of options, ranging from operating improvements to
10 dedicated new infrastructure, taking into account
11 the impact of such options on freight and commuter
12 rail operations; and

13 “(7) to improve maintenance, operations, cus-
14 tomer service, or other aspects of existing intercity
15 rail passenger service existing in 2002.

16 “(c) ADVISORY BOARD.—

17 “(1) ESTABLISHMENT.—In consultation with
18 the heads of appropriate Federal departments and
19 agencies, the Secretary shall establish an advisory
20 board to recommend research, technology, and tech-
21 nology transfer activities related to rail passenger
22 transportation.

23 “(2) MEMBERSHIP.—The advisory board shall
24 include—

1 “(A) representatives of State transpor-
2 tation agencies;

3 “(B) transportation and environmental
4 economists, scientists, and engineers; and

5 “(C) representatives of Amtrak, the Alaska
6 Railroad, transit operating agencies, intercity
7 rail passenger agencies, railway labor organiza-
8 tions, and environmental organizations.

9 “(d) NATIONAL ACADEMY OF SCIENCES.— The Sec-
10 retary may make grants to, and enter into cooperative
11 agreements with, the National Academy of Sciences to
12 carry out such activities relating to the research, tech-
13 nology, and technology transfer activities described in sub-
14 section (b) as the Secretary deems appropriate.”.

15 (b) CONFORMING AMENDMENT.—The chapter anal-
16 ysis for chapter 249 is amended by adding at the end the
17 following:

 “24910. Passenger rail cooperative research program”.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to the Secretary of
20 Transportation \$5,000,000 for fiscal year 2003, and each
21 fiscal year thereafter, to carry out section 24910(d) of title
22 49, United States Code.

23 **SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 RE-**
24 **FLECTING ICC TERMINATION ACT.**

25 (a) SECTION 307.—

1 (1) Section 307 is amended—

2 (A) by striking “**Interstate Com-**
3 **merce Commission**” in the section heading
4 and inserting “**Surface Transportation**
5 **Board**”;

6 (B) by striking “Interstate Commerce
7 Commission” in subsection (a) and inserting
8 “Surface Transportation Board”; and

9 (C) by striking “Commission” each place it
10 appears and inserting “Board”.

11 (2) The chapter analysis for chapter 3 is
12 amended by striking the item relating to section 307
13 and inserting the following:

“307. Safety information and intervention in Surface Transportation Board pro-
ceedings”.

14 (b) SECTION 333.—Section 333 is amended—

15 (1) by striking “Interstate Commerce Commis-
16 sion” each place it appears and inserting “Surface
17 Transportation Board”; and

18 (2) by striking “Commission” in subsection (c)
19 and inserting “Board”.

20 (c) SECTION 351.—Section 351(c) is amended by
21 striking “Interstate Commerce Commission” and inserting
22 “Surface Transportation Board”.

1 (d) SECTION 24307.—Section 24307(b)(3) is amend-
 2 ed by striking “Interstate Commerce Commission” and in-
 3 serting “Surface Transportation Board”.

4 (e) SECTION 24308.—Section 24308 is amended—

5 (1) by striking “Interstate Commerce Commis-
 6 sion” in subsection (a)(2)(A) and inserting “Surface
 7 Transportation Board”; and

8 (2) by striking “Commission” each place it ap-
 9 pears in subsection (a) and (b) and inserting
 10 “Board”.

11 (f) SECTION 24311.—Section 24311 is amended—

12 (1) by striking “Interstate Commerce Commis-
 13 sion” in subsection (c)(1) and inserting “Surface
 14 Transportation Board”; and

15 (2) by striking “Commission” each place it ap-
 16 pears in subsection (c) and inserting “Board”.

17 (g) SECTION 24902.—Section 24902 is amended—

18 (1) by striking “Interstate Commerce Commis-
 19 sion” in subsections (g)(2) and (g)(3) and inserting
 20 “Surface Transportation Board”; and

21 (2) by striking “Commission” each place it ap-
 22 pears in subsections (g)(2) and (g)(3) and inserting
 23 “Board”.

24 (h) SECTION 24904.—Section 24904 is amended—

1 (1) by striking “Interstate Commerce Commis-
 2 sion” in subsection (c)(2) and inserting “Surface
 3 Transportation Board”; and

4 (2) by striking “Commission” each place it ap-
 5 pears in subsection (c) and inserting “Board”.

6 **SEC.404. APPLICABILITY OF REVERSION TO ALASKA RAIL-**
 7 **ROAD RIGHT-OF-WAY PROPERTY.**

8 Section 601(b) of the Alaska Railroad Transfer Act
 9 of 1982 (45 U.S.C. 1209(b)) is amended—

10 (1) by inserting “(1)” after “(b)”;

11 (2) by redesignating paragraphs (1) and (2) as
 12 subparagraphs (A) and (B), respectively; and

13 (3) by adding at the end the following new
 14 paragraph:

15 “(2)(A) The State-owned railroad may convey all
 16 right, title, and interest of the State in any land within
 17 the right-of-way to a third party in exchange for other
 18 land that, in substitution for the land conveyed, is to be
 19 utilized as part of the right-of-way if the continuity of the
 20 right-of-way corridor for transportation, communications,
 21 and transmission purposes is provided by such use of the
 22 substituted land.

23 “(B) The provisions of this section that require rever-
 24 sion shall apply to the substituted land, as of the effective
 25 date of the exchange of that land in a transaction author-

1 ized by subparagraph (A), as fully as if the substituted
 2 land had been rail properties of the Alaska Railroad as
 3 of January 13, 1983.

4 “(C) Upon the conveyance of land in a transaction
 5 authorized by subparagraph (A), any reversionary interest
 6 in the land under this section shall terminate.”

7 **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 49; TABLE**
 8 **OF CONTENTS.**

9 (a) *SHORT TITLE.*—*This Act may be cited as the “Na-*
 10 *tional Defense Rail Act”.*

11 (b) *AMENDMENT OF TITLE 49.*—*Except as otherwise*
 12 *expressly provided, whenever in this Act an amendment or*
 13 *repeal is expressed in terms of an amendment to, or a repeal*
 14 *of, a section or other provision, the reference shall be consid-*
 15 *ered to be made to a section or other provision of title 49,*
 16 *United States Code.*

17 (c) *TABLE OF CONTENTS.*—*The table of contents for*
 18 *this Act is as follows:*

Sec. 1. Short title; amendment of title 49; table of contents.

Sec. 2. Findings.

TITLE I—RAIL TRANSPORTATION SECURITY

Sec. 101. Amtrak security assistance.

Sec. 102. Study of foreign rail transport security programs.

Sec. 103. Passenger, baggage, and cargo screening.

Sec. 104. Rail security.

Sec. 105. Rail transportation security risk assessment.

Sec. 106. Offset for emergency supplemental appropriations.

**TITLE II—INTERSTATE RAILROAD PASSENGER HIGH-SPEED
TRANSPORTATION SYSTEM**

Sec. 201. Interstate railroad passenger high-speed transportation policy.

Sec. 202. High-speed rail corridor planning.

- Sec. 203. Implemenation assistance.*
Sec. 204. Designated high-speed rail corridors.
Sec. 205. Labor standards.
Sec. 206. Railway-highway crossings in high-speed rail corridors.
Sec. 207. Authorization of appropriations.

TITLE III—NATIONAL RAILROAD PASSENGER CORPORATION

- Sec. 301. National railroad passenger transportation system defined.*
Sec. 302. Extension of authorization.
Sec. 303. Additional Amtrak authorizations.
Sec. 304. Northeast Corridor authorizations.
Sec. 305. Long distance trains.
Sec. 306. Short distance trains; State-supported routes.
Sec. 307. Re-establishment of Northeast Corridor Safety Committee.
Sec. 308. On-time performance.
Sec. 309. Amtrak board of directors.
Sec. 310. Establishment of financial accounting system for Amtrak operations by independent auditor.
Sec. 311. Development of 5-year financial plan.
Sec. 312. Revised reporting methodology required.
Sec. 313. Appropriated amounts to be spent proportionately.

TITLE IV—MISCELLANEOUS

- Sec. 401. Rehabilitation, improvement, and security financing.*
Sec. 402. Rail passenger cooperative research program.
Sec. 403. Conforming amendments to title 49 reflecting ICC Termination Act.
Sec. 404. Applicability of reversion to Alaska Railroad right-of-way property.

1 SEC. 2. FINDINGS.

2 *The Congress finds the following:*

3 *(1) Financial investment in passenger rail infra-*
 4 *structure is critical, and Federal leadership is re-*
 5 *quired to address the needs of a reliable safe, secure*
 6 *passenger rail network, just as has been used in estab-*
 7 *lishing the interstate highway system and the Federal*
 8 *aviation network.*

9 *(2) Lack of investment and attention to the needs*
 10 *of passenger rail infrastructure has resulted in a*
 11 *weak passenger rail network, and has caused a strain*
 12 *on the capacity of other modes of transportation in*

1 *many areas of the country. According to the Depart-*
2 *ment of Transportation, in 1999 the cost of wasted*
3 *time and extra fuel consumption due to delays on*
4 *congested roads was estimated at \$78 billion.*

5 *(3) Passenger rail is an integral part of the*
6 *United States transportation system, and, as can be*
7 *evidenced in the Northeast Corridor, relieves the pres-*
8 *sures of congestion on highways and at airports, and*
9 *creates a more balanced system of transportation al-*
10 *ternatives.*

11 *(4) Passenger rail service has been a vital in-*
12 *strument in the transportation needs of our nation.*
13 *For instance, during World War II, the privately*
14 *owned, operated, and constructed railroad industry*
15 *transported 90 percent of all defense freight, and 97*
16 *percent of all defense personnel transported to points*
17 *of embarkation for theaters of action. By the end of*
18 *the war, railroads accounted for three quarters of the*
19 *share of the common carrier share of intercity traffic,*
20 *with airplanes and buses sharing the remaining quar-*
21 *ter of traffic.*

22 *(5) Significant attention and Federal funding*
23 *were required to construct the Eisenhower System of*
24 *Interstate and Defense Highways. The Federal Aid*
25 *Highway Act of 1956 established a Highway Trust*

1 *Fund based upon Federal user taxes in order to fi-*
2 *nance up to 90 percent of the costs of the \$25 billion*
3 *dollar highway construction plan.*

4 *(6) Federal policies with respect to investment in*
5 *aviation resulted in a strengthened aviation industry*
6 *and the rapid development of air passenger service,*
7 *and by the late 1960's most rail companies were peti-*
8 *tioning the government to discontinue passenger serv-*
9 *ices because of losses.*

10 *(7) Amtrak was established in 1971 by the Rail*
11 *Passenger Service Act of 1970 to provide passenger*
12 *rail services in the United States as a public service;*
13 *at the time of Amtrak's formation, freight railroads*
14 *were losing money on unprofitable passenger rail op-*
15 *erations. Since 1971 Amtrak has received only \$25*
16 *billion in public subsidies; during that period, the*
17 *United States invested over \$570 billion on highways*
18 *and aviation.*

19 *(8) The Amtrak Reform and Accountability Act*
20 *of 1997, and preceding statutes, resulted in creating*
21 *conflicting missions for the National Railroad Pas-*
22 *senger Corporation of both serving a public function*
23 *by operating unprofitable long-distance routes while*
24 *also attempting to operate at a profit. This policy has*
25 *also restricted Amtrak's profit potential on the North-*

1 *east Corridor by limiting the capital expenditures to*
2 *help defray other costs.*

3 (9) *Due to a lack of capital investment, the*
4 *Northeast Corridor has accumulated a backlog of re-*
5 *pair needs, including life safety and security needs.*
6 *Investment in the capital needs of the Northeast Cor-*
7 *ridor would result in capacity improvements which*
8 *would result in greater utilization of the existing in-*
9 *frastructure.*

10 (10) *The Department of Transportation Inspec-*
11 *tor General's 2001 Assessment of Amtrak's Financial*
12 *Performance and Requirements (Report # CR-2002-*
13 *075) found that Amtrak's lack of available capital has*
14 *impeded its efforts to achieve financial goals.*

15 (11) *In order to attempt to meet the mandate of*
16 *the Amtrak Reform and Accountability Act of 1997,*
17 *Amtrak has been forced to delay capital improvement*
18 *projects and other projects which would produce long-*
19 *term benefits.*

20 (12) *The Department of Transportation Inspec-*
21 *tor General's 2001 Assessment of Amtrak's Financial*
22 *Performance and Requirements (Report # CR-2002-*
23 *075) found that Amtrak's most profitable operations*
24 *are on the Northeast Corridor, where Federal invest-*

1 *ment in passenger rail infrastructure has been sig-*
2 *nificantly higher than anywhere else in the country.*

3 *(13) Federal investments in capital projects to*
4 *support passenger rail in areas other than the North-*
5 *east Corridor would result in improved service and*
6 *increase profitability.*

7 *(14) The need for a balanced interstate and*
8 *international transportation system that provides a*
9 *viable alternative to travel by private automobile or*
10 *commercial aircraft is particularly evident after the*
11 *events of September 11, 2001.*

12 *(15) As a matter of national security, a strong*
13 *passenger rail network would provide travelers an al-*
14 *ternative to highway and air travel, which could lead*
15 *to reduced United States reliance on foreign oil im-*
16 *ports.*

17 *(16) In fiscal year 2001, the United States spent*
18 *less than 1 percent of all transportation modal spend-*
19 *ing on intercity passenger rail, and since 1998 Am-*
20 *trak has received only \$2.8 billion of the \$5.3 billion*
21 *it has been authorized to receive by Congress.*

22 *(17) Passenger rail in the United States has no*
23 *stable funding source, in contrast to highways, avia-*
24 *tion, and transit.*

1 (18) *Per capita spending on passenger rail is*
2 *much higher in other countries than the United States*
3 *and, in fact, the United States ranks behind other*
4 *countries including Canada, Japan, France, Great*
5 *Britain, Italy, Spain, Austria, Switzerland, Belgium,*
6 *Sweden, Luxembourg, Denmark, Ireland, Norway, the*
7 *Czech Republic, Finland, Slovakia, Portugal, Poland,*
8 *South Africa, Greece, and Estonia.*

9 (19) *The United States needs to engage in long-*
10 *term planning to foster and address future passenger*
11 *transportation growth and show forethought regard-*
12 *ing transportation solutions rather than be forced to*
13 *act due to an impending crisis.*

14 (20) *It is in the national interest to preserve*
15 *passenger rail service in the United States and to*
16 *maintain the solvency of the National Railroad Pas-*
17 *senger Corporation.*

18 (21) *Long-term planning and support for pas-*
19 *senger rail will help offset the emerging problems cre-*
20 *ated by transportation congestion, and contribute to*
21 *a cleaner and more environmentally-friendly trans-*
22 *portation system.*

23 (22) *A comprehensive re-evaluation of our na-*
24 *tion's rail passenger policy is required and a clearly*

1 *defined role for Amtrak and a connected rail pas-*
 2 *senger network must be established.*

3 *(23) The Federal government must take the pri-*
 4 *mary responsibility for developing national railroad*
 5 *passenger transportation infrastructure, and help en-*
 6 *sure that it functions as an efficient network. Privat-*
 7 *ization of the rail passenger industry in Great Brit-*
 8 *ain has been disastrous and passenger service has suf-*
 9 *fered overall.*

10 *(24) The nation should be afforded the oppor-*
 11 *tunity to receive safe, efficient, and cost-effective rail*
 12 *passenger services, taking into account all benefits to*
 13 *the nation as a whole.*

14 ***TITLE I—RAIL TRANSPORTATION*** 15 ***SECURITY***

16 ***SEC. 101. AMTRAK SECURITY ASSISTANCE.***

17 *(a) INFRASTRUCTURE SECURITY.—The following*
 18 *amounts are authorized to be appropriated to the Secretary*
 19 *of Transportation for the use of Amtrak for fiscal year 2003:*

20 *(1) \$39,714,000 for tunnel security, including*
 21 *closed circuit television cameras, lighting, and fenc-*
 22 *ing, of which \$26,476,000 shall be obligated or ex-*
 23 *pended on the Northeast Corridor and \$13,238,000*
 24 *shall be obligated or expended outside the Northeast*
 25 *Corridor.*

1 (2) \$176,568,000 for interlocking security needs,
2 including closed circuit television cameras, lighting,
3 and fencing, of which 50 percent shall be obligated or
4 expended on the Northeast Corridor and 50 percent
5 shall be obligated or expended outside the Northeast
6 Corridor.

7 (3) \$17,030,000 for equipment facility security,
8 including closed circuit television cameras and light-
9 ing, of which \$5,677,000 shall be obligated or ex-
10 pended on the Northeast Corridor and \$11,353,000
11 shall be obligated or expended outside the Northeast
12 Corridor.

13 (4) \$29,280,000 for yard and terminal security,
14 including closed circuit television cameras, lighting,
15 and fencing, of which \$9,760,000 shall be obligated or
16 expended on the Northeast Corridor and \$19,520,000
17 shall be obligated or expended outside the Northeast
18 Corridor.

19 (5) \$3,779,000 for mail and express facilities se-
20 curity, including closed circuit television cameras,
21 lighting, and fencing, of which 50 percent shall be ob-
22 ligated or expended on the Northeast Corridor and 50
23 percent shall be obligated or expended outside the
24 Northeast Corridor.

1 (6) \$27,233,000 for station security, including
2 closed circuit television cameras, x-ray machines,
3 lighting, and fencing, of which \$7,104,000 shall be ob-
4 ligated or expended on the Northeast Corridor and
5 \$20,129,000 shall be obligated or expended outside the
6 Northeast Corridor.

7 (7) \$30,798,000 for bridge security, including
8 closed circuit television cameras, lighting, and fenc-
9 ing, of which \$19,065,000 shall be obligated or ex-
10 pended on the Northeast Corridor and \$11,733,000
11 shall be obligated or expended outside the Northeast
12 Corridor.

13 (8) \$420,000 for tower security, including closed
14 circuit television cameras, lighting, and fencing,
15 which shall be obligated or expended on the Northeast
16 Corridor.

17 (9) \$29,451,000 for electric traction facilities se-
18 curity, including closed circuit television cameras,
19 lighting, and fencing, of which \$23,650,000 shall be
20 obligated or expended on the Northeast Corridor and
21 \$5,801,000 shall be obligated or expended outside the
22 Northeast Corridor.

23 (10) \$11,112,000 for vehicle barriers, of which 50
24 percent shall be obligated or expended on the North-

1 *east Corridor and 50 percent shall be obligated or ex-*
2 *pended outside the Northeast Corridor.*

3 (11) \$212,000 for centralized electrification and
4 *traffic control security, including access control sys-*
5 *tems, monitoring and alarm systems, and techno-*
6 *logical protection for systems, which shall be obligated*
7 *or expended on the Northeast Corridor.*

8 (12) \$10,283,000 for primary and backup cen-
9 *tral monitoring technology centers, which shall be ob-*
10 *ligated or expended outside the Northeast Corridor.*

11 (13) \$538,000 for employee identification sys-
12 *tems, including improved technology for badges issued*
13 *to employees and visitors controlled through a central-*
14 *ized database.*

15 (14) \$75,000 for bomb-resistant trash containers,
16 *of which 50 percent shall be obligated or expended on*
17 *the Northeast Corridor and 50 percent shall be obli-*
18 *gated or expended outside the Northeast Corridor.*

19 (15) \$5,800,000 for a passenger information re-
20 *trieval system to capture security information, create*
21 *watchlists, and an online history of passengers, of*
22 *which 50 percent shall be obligated or expended on the*
23 *Northeast Corridor and 50 percent shall be obligated*
24 *or expended outside the Northeast Corridor.*

1 (16) \$6,200,000 for an incident tracking system
2 to create and maintain an electronic database of data
3 on criminal and operational incidents, of which 50
4 percent shall be obligated or expended on the North-
5 east Corridor and 50 percent shall be obligated or ex-
6 pended outside the Northeast Corridor.

7 (17) \$4,300,000 for upgrades to ticket kiosks for
8 photo imaging for identification purposes, of which
9 50 percent shall be obligated or expended on the
10 Northeast Corridor and 50 percent shall be obligated
11 or expended outside the Northeast Corridor.

12 (18) \$16,750,000 for an incident command sys-
13 tem to serve as a second command center and a dis-
14 aster recovery command site, of which \$5,000,000
15 shall be obligated or expended on the Northeast Cor-
16 ridor and \$11,750,000 shall be obligated or expended
17 outside the Northeast Corridor.

18 (19) \$5,000,000 for train locator and tracking
19 systems to provide GPS coordinates for all loco-
20 motives, of which 50 percent shall be obligated or ex-
21 pended on the Northeast Corridor and 50 percent
22 shall be obligated or expended outside the Northeast
23 Corridor.

24 (20) \$120,000 for a notification system for inte-
25 gration of GPS information into the central computer

1 *systems, of which 50 percent shall be obligated or ex-*
 2 *pended on the Northeast Corridor and 50 percent*
 3 *shall be obligated or expended outside the Northeast*
 4 *Corridor.*

5 *(21) \$1,245,000 for mail and express shipment*
 6 *software to identify each shipment positively before it*
 7 *is transported by rail, of which \$405,000 shall be ob-*
 8 *ligated or expended on the Northeast Corridor and*
 9 *\$840,000 shall be obligated or expended outside the*
 10 *Northeast Corridor.*

11 *(22) \$1,211,000 for mail and express tracking*
 12 *deployment to identify the status of each rail ship-*
 13 *ment.*

14 *(b) SECURITY OPERATIONS.—The following amounts*
 15 *are authorized to be appropriated to the Secretary of Trans-*
 16 *portation for the use of Amtrak for fiscal year 2003:*

17 *(1) \$354,000 for hiring 4 police officers, each of*
 18 *whom is to be dedicated to a specific region of the*
 19 *United States, to provide intelligence-gathering and*
 20 *analysis, conduct crime-mapping assessments*
 21 *throughout the entire system, work with law enforce-*
 22 *ment to prevent terrorist acts and reduce Amtrak's*
 23 *vulnerability, of which 50 percent shall be obligated*
 24 *or expended on the Northeast Corridor and 50 percent*

1 *shall be obligated or expended outside the Northeast*
2 *Corridor.*

3 (2) \$10,411,000 for the hiring of 150 patrol offi-
4 *cers and 48 specialized personnel, of whom 101 would*
5 *be deployed on the Northeast Corridor and 97 outside*
6 *the Northeast Corridor.*

7 (3) \$11,292,000 for the hiring of 250 security of-
8 *ficers, of whom 147 would be deployed on the North-*
9 *east Corridor and 103 outside the Northeast Corridor.*

10 (4) \$1,828,000 for the hiring of 20 canine bomb
11 *teams, of which 15 are to be deployed outside the*
12 *Northeast Corridor and 5 are to be deployed on the*
13 *Northeast Corridor.*

14 (5) \$30,761,000 for infrastructure security in-
15 *spectors to inspect the rights-of-way, bridges, build-*
16 *ings, tunnels, communications and signaling equip-*
17 *ment, fencing, gates, barriers, lighting, catenary sys-*
18 *tem, and other security features, of which 50 percent*
19 *is to be obligated or expended on the Northeast Cor-*
20 *ridor and 50 percent is to be obligated or expended*
21 *outside the Northeast Corridor.*

22 (6) \$2,990,000 to expand aviation capabilities
23 *for security coverage and patrol capabilities, includ-*
24 *ing equipment, staff, and facilities, of which \$997,000*
25 *is to be obligated or expended on the Northeast Cor-*

1 *ridor and \$1,993,000 is to be obligated or expended*
 2 *outside the Northeast Corridor.*

3 (7) *\$1,095,000 for the leasing of 150 vehicles to*
 4 *support patrol capabilities, of which \$569,000 is to be*
 5 *obligated or expended on the Northeast Corridor and*
 6 *\$526,000 is to be obligated or expended outside the*
 7 *Northeast Corridor.*

8 (8) *\$669,000 for 6 management level positions*
 9 *with responsibility for direction, control, implementa-*
 10 *tion, and monitoring of security systems, including*
 11 *the deployment of the 250 security officers throughout*
 12 *the Amtrak system, of which \$446,000 is to be obli-*
 13 *gated or expended on the Northeast Corridor and*
 14 *\$223,000 is to be obligated or expended outside the*
 15 *Northeast Corridor.*

16 (9) *\$980,000 for applicant background investiga-*
 17 *tions, of which 50 percent shall be obligated or ex-*
 18 *pended on the Northeast Corridor and 50 percent*
 19 *shall be obligated or expended outside the Northeast*
 20 *Corridor.*

21 (10) *\$457,000 for rapid response teams to re-*
 22 *spond to and prepare for on-site consequence manage-*
 23 *ment, all of which shall be obligated or expended out-*
 24 *side the Northeast Corridor.*

25 (c) *EQUIPMENT SECURITY.—*

1 (1) *IN GENERAL.*—*The following amounts are*
2 *authorized to be appropriated to the Secretary of*
3 *Transportation for the use of Amtrak for fiscal year*
4 *2003:*

5 (A) *\$1,755,000 to provide two-way commu-*
6 *nication devices for all Amtrak conductors.*

7 (B) *\$3,000,000 for 2 mobile emergency com-*
8 *mand and communication units and rapid re-*
9 *sponse teams, 1 to be located in the Midwest and*
10 *1 on the West Coast.*

11 (C) *\$651,000 for 200 to 400 radioactive ma-*
12 *terial detectors to be deployed system-wide, of*
13 *which \$231,000 is to be obligated or expended on*
14 *the Northeast Corridor and \$420,000 is to be ob-*
15 *ligated or expended outside the Northeast Cor-*
16 *ridor.*

17 (D) *\$4,000,000 for hand-held bomb detectors*
18 *for use by police to inspect baggage and pack-*
19 *ages.*

20 (E) *\$1,400,000 to screen express packages*
21 *before being placed on trains.*

22 (F) *\$1,305,000 for secure locking devices on*
23 *mail and express cars that have satellite-moni-*
24 *toring capability.*

1 (G) \$10,234,000 for video recording systems
2 on road locomotives, of which \$4,859,000 is to be
3 obligated or expended on the Northeast Corridor
4 and \$5,375,000 is to be obligated or expended
5 outside the Northeast Corridor.

6 (H) \$6,712,000 to acquire and install sat-
7 ellite-based technology to shut down any loco-
8 motive that is not under the control of its crew.

9 (I) \$4,320,000 to install 10 new commu-
10 nications stations to enable radio communica-
11 tions in remote locations and 12 satellite receiv-
12 ers.

13 (J) \$4,000,000 for 4 self-propelled high-
14 speed rail cars designated for selective patrol and
15 enforcement functions, including critical incident
16 response, dignitary protection, and roving rail
17 security inspections.

18 (2) ALLOCATION.—Except as provided in sub-
19 paragraphs (B), (C), and (G) of paragraph (1), 50
20 percent of any amounts appropriated pursuant to
21 paragraph (1) shall be obligated or expended on the
22 Northeast Corridor and 50 percent of such amounts
23 shall be obligated or expended outside the Northeast
24 Corridor.

1 (d) *AVAILABILITY OF FUNDS.*—Amounts appropriated
 2 pursuant to subsections (a), (b), and (c) shall remain avail-
 3 able until expended.

4 (e) *PROHIBITION ON USE OF EQUIPMENT FOR EM-*
 5 *PLOYMENT-RELATED PURPOSES.*—An employer may not
 6 use closed circuit television cameras purchased with
 7 amounts authorized by this section for employee discipli-
 8 nary or monitoring purposes unrelated to transportation
 9 security.

10 **SEC. 102. STUDY OF FOREIGN RAIL TRANSPORT SECURITY**
 11 **PROGRAMS.**

12 (a) *REQUIREMENT FOR STUDY.*—Not later than June
 13 1, 2003, the Comptroller General shall carry out a study
 14 of the rail passenger transportation security programs that
 15 are carried out for rail transportation systems in Japan,
 16 member nations of the European Union, and other foreign
 17 countries.

18 (b) *PURPOSE.*—The purpose of the study shall be to
 19 identify effective rail transportation security measures that
 20 are in use in foreign rail transportation systems, including
 21 innovative measures and screening procedures determined
 22 effective.

23 (c) *REPORT.*—The Comptroller General shall submit
 24 a report on the results of the study to Congress. The report
 25 shall include the Comptroller General's assessment regard-

1 *ing whether it is feasible to implement within the United*
 2 *States any of the same or similar security measures that*
 3 *are determined effective under the study.*

4 **SEC. 103. PASSENGER, BAGGAGE, AND CARGO SCREENING.**

5 *(a) REQUIREMENT FOR STUDY AND REPORT.—The*
 6 *Secretary of Transportation shall—*

7 *(1) study the cost and feasibility of requiring se-*
 8 *curity screening for all passengers, baggage, and mail,*
 9 *express, and other cargo on Amtrak trains; and*

10 *(2) report the results of the study, together with*
 11 *any recommendations that the Secretary may have*
 12 *for implementing a rail security screening program to*
 13 *the Committee on Commerce, Science, and Transpor-*
 14 *tation of the Senate and the Committee on Transpor-*
 15 *tation and Infrastructure of the House of Representa-*
 16 *tives one year after the date of enactment of this Act.*

17 *(b) PILOT PROGRAM.—As part of the study under sub-*
 18 *section (a), the Secretary shall conduct a pilot program of*
 19 *random security screening of passengers and baggage at 5*
 20 *of the 10 busiest passenger rail stations served by Amtrak*
 21 *(measured by the average number of boardings of Amtrak*
 22 *passenger trains) and at up to five additional rail stations*
 23 *served by Amtrak that are selected by the Secretary. In se-*
 24 *lecting the additional train stations the Secretary shall at-*

1 *tempt to achieve a distribution of participating stations in*
 2 *terms of geographic location and size.*

3 **SEC. 104. RAIL SECURITY.**

4 (a) *SECRETARY OF TRANSPORTATION.*—Section
 5 20103(a) is amended by striking “safety” and inserting
 6 “safety, including the security of railroad operations,”.

7 (b) *RAIL POLICE OFFICERS.*—Section 28101 is
 8 amended by striking “the rail carrier” each place it ap-
 9 pears and inserting “any rail carrier”.

10 (c) *REVIEW OF RAIL REGULATIONS.*—Within 180 days
 11 after the date of enactment of this Act, the Secretary of
 12 Transportation, in consultation with the Federal Railroad
 13 Administration’s Rail Safety Advisory Committee, shall re-
 14 view existing rail regulations of the Department of Trans-
 15 portation for the purpose of identifying areas in which those
 16 regulations need to be revised to improve rail safety and
 17 security.

18 **SEC. 105. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
 19 **MENT.**

20 (a) *IN GENERAL.*—

21 (1) *ASSESSMENT.*—The Secretary of Transpor-
 22 tation shall assess the security risks associated with
 23 rail transportation and develop prioritized rec-
 24 ommendations for—

1 (A) improving the security of rail tunnels,
 2 rail bridges, rail switching areas, and other
 3 areas identified by the Secretary as posing sig-
 4 nificant rail-related risks to public safety and
 5 the movement of interstate commerce, taking into
 6 account the impact that any proposed security
 7 measure might have on the provision of rail serv-
 8 ice;

9 (B) the deployment of chemical and biologi-
 10 cal weapon detection equipment;

11 (C) dealing with the immediate and long-
 12 term economic impact of measures that may be
 13 required to address those risks; and

14 (D) training employees in terrorism re-
 15 sponse activities.

16 (2) *EXISTING PRIVATE AND PUBLIC SECTOR EF-*
 17 *FORTS.*—The assessment shall include a review of any
 18 actions already taken to address identified security
 19 issues by both public and private entities.

20 (3) *RAILROAD CROSSING DELAYS.*—The Sec-
 21 retary shall include in the assessment an analysis of
 22 the risks to public safety and to the security of rail
 23 transportation that are associated with long delays in
 24 the movement of trains that have stopped on railroad
 25 grade crossings of highways, streets, and other roads

1 *for motor vehicle traffic, especially in major metro-*
 2 *politan areas. The Secretary shall include in the rec-*
 3 *ommendations developed under paragraph (1) rec-*
 4 *ommended actions for preventing such delays and re-*
 5 *ducing the risks identified in the analysis.*

6 ***(b) CONSULTATION; USE OF EXISTING RESOURCES.—***

7 *In carrying out the assessment required by subsection (a),*
 8 *the Secretary shall—*

9 *(1) consult with rail management, rail labor,*
 10 *and public safety officials (including officials respon-*
 11 *sible for responding to emergencies); and*

12 *(2) utilize, to the maximum extent feasible, the*
 13 *resources and assistance of—*

14 *(A) the Federal Railroad Administration’s*
 15 *Rail Safety Advisory Committee; and*

16 *(B) the Transportation Research Board of*
 17 *the National Academy of Sciences.*

18 ***(c) REPORT.—***

19 ***(1) CONTENTS.—****Within 180 days after the date*
 20 *of enactment of this Act, the Secretary shall transmit*
 21 *to the Senate Committee on Commerce, Science, and*
 22 *Transportation and the House of Representatives*
 23 *Committee on Transportation and Infrastructure a*
 24 *report, without compromising national security,*
 25 *containing—*

1 (A) the assessment and prioritized rec-
2 ommendations required by subsection (a); and

3 (B) any proposals the Secretary deems ap-
4 propriate for providing Federal financial, tech-
5 nological, or research and development assistance
6 to railroads to assist the railroads in reducing
7 the likelihood, severity, and consequences of delib-
8 erate acts of crime or terrorism toward rail em-
9 ployees, rail passengers, rail shipments, or rail
10 property.

11 (2) *FORMAT.*—The Secretary may submit the re-
12 port in both classified and redacted formats if the
13 Secretary determines that such action is appropriate
14 or necessary.

15 (d) *SECURITY NEEDS OF NON-AMTRAK STATIONS.*—

16 (1) *STUDY.*—The Secretary of Transportation
17 shall conduct a study of the security and station im-
18 provements that may be needed on rail stations served
19 by Amtrak that are not owned by Amtrak.

20 (2) *REPORT.*—The Secretary shall report, within
21 180 days after the date of enactment of this Act, to
22 the Senate Committee on Commerce, Science, and
23 Transportation and the House of Representatives
24 Committee on Transportation and Infrastructure the
25 results of the study, including—

1 (A) *the total number of such stations;*

2 (B) *the estimated costs of the security and*
 3 *station improvements identified in the study;*
 4 *and*

5 (C) *any additional findings, conclusions,*
 6 *and recommendations, including legislative rec-*
 7 *ommendations, the Secretary deems appropriate.*

8 (e) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 9 *authorized to be appropriated to the Secretary \$5,000,000*
 10 *for fiscal year 2003 to carry out this section, such sums*
 11 *to remain available until expended.*

12 **SEC. 106. OFFSET FOR EMERGENCY SUPPLEMENTAL AP-**
 13 **PROPRIATIONS.**

14 (a) *FINDING.—The Congress finds that amounts were*
 15 *appropriated by the Department of Defense and Emergency*
 16 *Supplemental Appropriations for Recovery from and Re-*
 17 *sponse to Terrorist Attacks on the United States Act, 2002*
 18 *(Pub. Law 107–117) to be obligated or expended for Amtrak*
 19 *security-related activities.*

20 (b) *STATEMENT OF INTENT.—It is the intent of the*
 21 *Congress that the amounts appropriated by that Act for*
 22 *Amtrak security-related activities should offset the amounts*
 23 *authorized by this title to be appropriated to the Secretary*
 24 *of Transportation for Amtrak’s use for security-related ac-*
 25 *tivities.*

1 (c) *REDUCTION OF AUTHORIZATIONS.*—Each amount
 2 authorized by this title to be appropriated to the Secretary
 3 of Transportation for the use of Amtrak for a security-re-
 4 lated activity in any preceding section of this title for any
 5 fiscal year shall be reduced by any such appropriated
 6 amount used by Amtrak for that activity in that fiscal year.

7 **TITLE II—INTERSTATE RAIL-**
 8 **ROAD PASSENGER HIGH-**
 9 **SPEED TRANSPORTATION**
 10 **SYSTEM**

11 **SEC. 201. INTERSTATE RAILROAD PASSENGER HIGH-SPEED**
 12 **TRANSPORTATION POLICY.**

13 (a) *IN GENERAL.*—Chapter 261 is amended by insert-
 14 ing before section 26101 the following:

15 **“§ 26100. Policy.**

16 “(a) *IN GENERAL.*—The Congress declares that it is
 17 the policy of the United States that designated high-speed
 18 railroad passenger transportation corridors are the build-
 19 ing blocks of an interconnected interstate railroad passenger
 20 system that serves the entire Nation.

21 “(b) *SECRETARY REQUIRED TO ESTABLISH NATIONAL*
 22 *HIGH-SPEED GROUND TRANSPORTATION POLICY.*—The
 23 Secretary of Transportation shall establish the national
 24 high-speed ground transportation policy required by section
 25 309(e)(1) of this title no later than December 31, 2002.”.

1 (b) *CONFORMING AMENDMENTS.*—

2 (1) *The chapter analysis for chapter 261 is*
 3 *amended by inserting before the item relating to sec-*
 4 *tion 26101 the following:*

 “26100. *Policy.*”.

5 (2) *Section 309(e)(1) is amended by striking*
 6 *“Within 12 months after the submission of the study*
 7 *required by subsection (d),” and inserting “No later*
 8 *than December 31, 2002.”.*

9 **SEC. 202. HIGH-SPEED RAIL CORRIDOR PLANNING.**

10 (a) *IN GENERAL.*—*Section 26101(a) is amended to*
 11 *read as follows:*

12 “*(a) PLANNING.*—

13 “(1) *IN GENERAL.*—*The Secretary of Transpor-*
 14 *tation shall provide planning assistance to States or*
 15 *group of States and other public agencies promoting*
 16 *the development of high-speed rail corridors des-*
 17 *ignated by the Secretary under section 104(d) of title*
 18 *23.*

19 “(2) *SECRETARY MAY PROVIDE DIRECT OR FI-*
 20 *NANCIAL ASSISTANCE.*—*The Secretary may provide*
 21 *planning assistance under paragraph (1) directly or*
 22 *by providing financial assistance to a public agency*
 23 *or group of public agencies to undertake planning ac-*
 24 *tivities approved by the Secretary.*

1 “(3) 100 PERCENT FEDERAL FUNDING.—The
 2 Secretary may permit, but may not require, a portion
 3 of the publicly financed costs associated with eligible
 4 activities to come from non-Federal sources.

5 “(4) PRIORITIES TO CHICAGO, ATLANTA, DALLAS/
 6 FORT WORTH, PORTLAND, AND ORLANDO.—In deter-
 7 mining projects to be undertaken pursuant to this
 8 paragraph, the Secretary shall give the highest prior-
 9 ities to undertaking planning in the vicinity of
 10 Union Station in Chicago, Illinois, in metropolitan
 11 Atlanta, Georgia, in the Dallas/Fort Worth, Texas,
 12 area, in the Portland, Oregon, area, and on the Or-
 13 lando Corridor in Florida.”.

14 (b) CONFORMING AND OTHER AMENDMENTS TO SEC-
 15 TION 26101.—Section 26101 is further amended—

16 (1) by striking subsection (c)(2) and inserting
 17 the following:

18 “(2) the extent to which the proposed planning
 19 focuses on high-speed rail systems, giving a priority
 20 to systems which will achieve sustained speeds of 125
 21 miles per hour or greater and projects involving dedi-
 22 cated rail passenger rights-of-way;”;

23 (2) by inserting “and” after the semicolon in
 24 subsection (c)(12);

1 (3) by striking “completed; and” in subsection
2 (c)(13) and inserting “completed.”;

3 (4) by striking subsection (c)(14); and

4 (5) by adding at the end the following:

5 “(d) *OPERATORS DEEMED RAIL CARRIERS.*—A person
6 that conducts rail operations funded or otherwise receiving
7 assistance under this section is deemed to be a rail carrier
8 for purposes of part A of subtitle IV, when so operating
9 or performing such services.”.

10 (c) *CONFORMING AMENDMENT.*—Section 26105(2)(A)
11 is amended by striking “more than 125 miles per hour;”
12 and inserting “90 miles per hour or more;”.

13 (d) *FINANCIAL ASSISTANCE TO INCLUDE LOANS AND*
14 *LOAN GUARANTEES.*—Section 26105(1) is amended by in-
15 serting “loans, loan guarantees,” after “contracts,”.

16 **SEC. 203. IMPLEMENTATION ASSISTANCE.**

17 (a) *IN GENERAL.*—Chapter 261 is amended by insert-
18 ing after section 26101 the following:

19 **“§26101A. Implementation of corridor plans**

20 “(a) *IMPLEMENTATION ASSISTANCE.*—

21 “(1) *IN GENERAL.*—The Secretary of Transpor-
22 tation shall provide implementation assistance to
23 States or group of States and other public agencies
24 promoting the development of high-speed rail cor-
25 ridors designated by the Secretary under section

1 104(d) of title 23. The Secretary shall establish an
 2 application and qualification process and, before pro-
 3 viding assistance under this section, make a deter-
 4 mination on the record that the applicant is qualified
 5 and eligible for assistance under this section.

6 “(2) SECRETARY MAY PROVIDE DIRECT OR FI-
 7 NANCIAL ASSISTANCE.—The Secretary may provide
 8 implementation assistance under paragraph (1) di-
 9 rectly or by providing financial assistance to a public
 10 agency or group of public agencies to undertake im-
 11 plementation activities approved by the Secretary.

12 “(3) 100 PERCENT FEDERAL SHARE.—The Sec-
 13 retary may permit, but may not require, a portion of
 14 the publicly financed costs associated with eligible ac-
 15 tivities to come from non-Federal sources.

16 “(4) CONTRIBUTION OF LAND.—Notwithstanding
 17 paragraph (3), the Secretary may accept land con-
 18 tributed by a State for right-of-way, without regard
 19 to whether the State acquired the land directly or in-
 20 directly through the use of Federal funds, including
 21 transfers from the Highway Trust Fund under section
 22 9503 of the Internal Revenue Code of 1986.

23 “(5) PRIORITIES TO CHICAGO, ATLANTA, DALLAS/
 24 FORT WORTH, PORTLAND, AND ORLANDO.—In deter-
 25 mining projects to be undertaken pursuant to this

1 subsection, the Secretary shall give the highest prior-
 2 ities to undertaking implementation assistance in the
 3 vicinity of Union Station in Chicago, Illinois, in
 4 metropolitan Atlanta, Georgia, and in the Dallas/
 5 Fort Worth, Texas, area, in the Portland, Oregon,
 6 area, and on the Orlando Corridor in Florida.

7 “(6) SPECIAL TRANSPORTATION CIR-
 8 CUMSTANCES.—In carrying out this section, the Sec-
 9 retary shall allocate an appropriate portion of the
 10 amounts available for implementation assistance to
 11 providing appropriate related assistance in any State
 12 the rail transportation system of which—

13 “(A) is not physically connected to rail sys-
 14 tems in the continental United States; and

15 “(B) may not otherwise qualify for high-
 16 speed rail implementation assistance due to the
 17 constraints imposed on the railway infrastruc-
 18 ture in that State due to the unique characteris-
 19 tics of the geography of that State or other rel-
 20 evant considerations, as determined by the Sec-
 21 retary.

22 “(b) ELIGIBLE IMPLEMENTATION ACTIVITIES.—The
 23 following activities are eligible for implementation assist-
 24 ance under subsection (a):

1 “(1) *Security planning and the acquisition of se-*
2 *curity and emergency response equipment.*

3 “(2) *Operating expenses.*

4 “(3) *Infrastructure acquisition and construction*
5 *of track and facilities.*

6 “(4) *Highway-rail grade crossing eliminations*
7 *and improvements.*

8 “(5) *Acquisition of rights-of-way, locomotives,*
9 *rolling stock, track, and signal equipment.*

10 “(c) *CRITERIA FOR DETERMINING ASSISTANCE FOR*
11 *IMPLEMENTATION ACTIVITIES.—The Secretary, in selecting*
12 *recipients of assistance under subsection (a), shall—*

13 “(1) *encourage the use of positive train control*
14 *technologies;*

15 “(2) *require that any project meet any existing*
16 *safety regulations, and give preference to any project*
17 *determined by the Secretary to have particularly high*
18 *levels of safety;*

19 “(3) *encourage intermodal connectivity by locat-*
20 *ing train stations in or near airports, bus terminals,*
21 *subway stations, ferry ports, and other modes of*
22 *transportation;*

23 “(4) *ensure a general regional balance in pro-*
24 *viding such assistance and avoid the concentration of*
25 *a disproportionate dedication of available financial*

1 *assistance resources to a single project or region of the*
 2 *country; and*

3 “(5) *ensure that any project is compatible with,*
 4 *and operated in conformance with, plans developed*
 5 *pursuant to the requirements of sections 134 and 135*
 6 *of title 23, United States Code.*

7 “(d) *OPERATORS DEEMED RAIL CARRIERS.—A person*
 8 *that conducts rail operations funded or otherwise receiving*
 9 *assistance under this section is deemed to be a rail carrier*
 10 *for purposes of part A of subtitle IV, when so operating*
 11 *or performing such services.*

12 “(e) *DOMESTIC BUYING PREFERENCES.—*

13 “(1) *IN GENERAL.—In carrying out a project as-*
 14 *sisted under this section, a recipient shall buy only—*

15 “(A) *unmanufactured articles, material,*
 16 *and supplies mined or produced in the United*
 17 *States; or*

18 “(B) *manufactured articles, material, and*
 19 *supplies manufactured in the United States sub-*
 20 *stantially from articles, material, and supplies*
 21 *mined, produced, or manufactured in the United*
 22 *States.*

23 “(2) *DE MINIMIS AMOUNT.—Paragraph (1) of*
 24 *this subsection applies only when the cost of those ar-*

1 *ticles, material, or supplies bought is at least*
 2 *\$1,000,000.*

3 “(3) *EXEMPTIONS.*—*On application of a recipi-*
 4 *ent, the Secretary of Transportation may exempt a*
 5 *recipient from the requirements of this subsection if*
 6 *the Secretary decides that, for particular articles, ma-*
 7 *terial, or supplies—*

8 “(A) *the requirements of paragraph (1) of*
 9 *this subsection are inconsistent with the public*
 10 *interest;*

11 “(B) *the cost of imposing those requirements*
 12 *is unreasonable; or*

13 “(C) *the articles, material, or supplies, or*
 14 *the articles, material, or supplies from which*
 15 *they are manufactured, are not mined, produced,*
 16 *or manufactured in the United States in suffi-*
 17 *cient and reasonably available commercial quan-*
 18 *tities and are not of a satisfactory quality.*

19 “(4) *UNITED STATES DEFINED.*—*In this sub-*
 20 *section, the term ‘the United States’ means the States,*
 21 *territories, and possessions of the United States and*
 22 *the District of Columbia.”.*

23 (b) *RULEMAKING REQUIRED.*—*Within 90 days after*
 24 *the date of enactment of this Act, the Secretary of Transpor-*
 25 *tation shall initiate a rulemaking to create an application*

1 *and qualification procedure for providing high-speed rail*
 2 *corridor implementation assistance under section 26101A*
 3 *of title 49, United States Code.*

4 (c) *PROCEDURES FOR GRANT AWARD.*—*Within 90*
 5 *days after the date of enactment of this Act, the Secretary*
 6 *of Transportation shall initiate a rulemaking to create pro-*
 7 *cedures for the awarding of implementation assistance*
 8 *under this section. The Procedures shall include the execu-*
 9 *tion of a full funding grant agreement between the appli-*
 10 *cant and the government.*

11 (d) *COMPETITIVE BIDDING ON HIGH-SPEED RAIL*
 12 *ROUTES.*—*The Secretary of Transportation shall determine*
 13 *that a State or group of States and other public agencies*
 14 *promoting a high-speed rail project under the provisions*
 15 *of section 26101A of title 49, United States Code, as a con-*
 16 *dition of receiving funding under such section, has provided*
 17 *for competitive bidding for the project in accordance with*
 18 *the Uniform Administrative Requirements for Grants and*
 19 *Cooperative Agreements to State and Local Governments*
 20 *(49 C.F.R. section 18.36). Within 180 days after the date*
 21 *of enactment of this Act, the Secretary, in consultation with*
 22 *the States or groups of States and other public agencies,*
 23 *shall issue criteria for the services to which the competitive*
 24 *bidding by this section applies. A train operator selected*
 25 *under section 26101A of title 49, United States Code, is*

1 *deemed to be a rail carrier for purposes of part A of subtitle*
 2 *49, United States Code, when performing such services.*

3 (e) *CONFORMING AMENDMENT.*—*The chapter analysis*
 4 *for chapter 261 is amended by inserting after the item relat-*
 5 *ing to section 26101 the following:*

“26101A. Implementation of corridor plans.”.

6 **SEC. 204. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

7 (a) *IN GENERAL.*—*The Secretary of Transportation*
 8 *shall give priority in allocating funds authorized by section*
 9 *26104 of title 49, United States Code, to designated high-*
 10 *speed rail corridors.*

11 (b) *DESIGNATED HIGH-SPEED RAIL CORRIDORS.*—
 12 *For purposes of subsection (a), the following shall be consid-*
 13 *ered to be designated high-speed rail corridors:*

14 (1) *California Corridor connecting the San*
 15 *Francisco Bay area and Sacramento to Los Angeles*
 16 *and San Diego.*

17 (2) *Chicago Hub Corridor Network with the fol-*
 18 *lowing spokes:*

19 (A) *Chicago to Detroit.*

20 (B) *Chicago to Minneapolis/St. Paul, Min-*
 21 *nesota, via Milwaukee, Wisconsin.*

22 (C) *Chicago to Kansas City, Missouri, via*
 23 *Springfield, Illinois, and St. Louis, Missouri.*

24 (D) *Chicago to Louisville, Kentucky, via In-*
 25 *dianapolis, Indiana, and Cincinnati, Ohio.*

1 (E) *Chicago to Cleveland, Ohio, via Toledo,*
 2 *Ohio.*

3 (F) *Cleveland, Ohio, to Cincinnati, Ohio,*
 4 *via Columbus, Ohio.*

5 (3) *Empire State Corridor from New York City,*
 6 *New York, through Albany, New York, to Buffalo,*
 7 *New York.*

8 (4) *Florida High-Speed Rail Corridor from*
 9 *Tampa through Orlando to Miami.*

10 (5) *Gulf Coast Corridor from Houston Texas,*
 11 *through New Orleans, Louisiana, to Mobile, Alabama,*
 12 *with a branch from New Orleans, through Meridian,*
 13 *Mississippi, and Birmingham, Alabama, to Atlanta,*
 14 *Georgia.*

15 (6) *Keystone Corridor from Philadelphia, Penn-*
 16 *sylvania, through Harrisburg, Pennsylvania, to Pitts-*
 17 *burgh, Pennsylvania.*

18 (7) *Northeast Corridor from Washington, Dis-*
 19 *trict of Columbia, through New York City, New York,*
 20 *New Haven, Connecticut, and Providence, Rhode Is-*
 21 *land, to Boston, Massachusetts, with a branch from*
 22 *New Haven, Connecticut, to Springfield, Massachu-*
 23 *setts.*

24 (8) *New England Corridor from Boston, Massa-*
 25 *chusetts, to Portland and Auburn, Maine, and from*

1 *Boston, Massachusetts, through Concord, New Hamp-*
 2 *shire, and Montpelier, Vermont, to Montreal, Quebec.*

3 (9) *Pacific Northwest Corridor from Eugene, Or-*
 4 *egon, through Portland, Oregon, and Seattle, Wash-*
 5 *ington, to Vancouver, British Columbia.*

6 (10) *South Central Corridor from San Antonio,*
 7 *Texas, through Dallas/ Fort Worth to Little Rock, Ar-*
 8 *kansas, with a branch from Dallas/Fort Worth*
 9 *through Oklahoma City, Oklahoma, to Tulsa, Okla-*
 10 *homa.*

11 (11) *Southeast Corridor from Washington, Dis-*
 12 *trict of Columbia, through Richmond, Virginia, Ra-*
 13 *leigh, North Carolina, Columbia, South Carolina, Sa-*
 14 *vannah, Georgia, and Jessup, Georgia, to Jackson-*
 15 *ville, Florida, with—*

16 (A) *a branch from Raleigh, North Carolina,*
 17 *through Charlotte, North Carolina, and Green-*
 18 *ville, South Carolina, to Atlanta, Georgia; a*
 19 *branch from Richmond, to Hampton Roads/Nor-*
 20 *folk, Virginia;*

21 (B) *a branch from Charlotte, North Caro-*
 22 *lina, to Columbia, South Carolina, to Charles-*
 23 *ton, South Carolina;*

24 (C) *a connecting route from Atlanta, Geor-*
 25 *gia, to Jessup, Georgia;*

1 (D) a connecting route from Atlanta, Geor-
2 gia, to Charleston, South Carolina; and

3 (E) a branch from Raleigh, North Carolina,
4 through Florence, South Carolina, to Charleston,
5 South Carolina, and Savannah, Georgia, with a
6 connecting route from Florence, South Carolina,
7 to Myrtle Beach, South Carolina.

8 (12) Southwest Corridor from Los Angeles, Cali-
9 fornia, to Las Vegas, Nevada.

10 (c) *OTHER HIGH-SPEED RAIL CORRIDORS.*—For pur-
11 poses of this section, subsection (b)—

12 (1) does not limit the term “designated high-
13 speed rail corridor” to those corridors described in
14 subsection (b); and

15 (2) does not limit the Secretary of Transpor-
16 tation’s authority—

17 (A) to designate additional high-speed rail
18 corridors; or

19 (B) to terminate the designation of any
20 high-speed rail corridor.

21 **SEC. 205. LABOR STANDARDS.**

22 (a) *CURRENT EMPLOYEE PROTECTIONS.*—Nothing in
23 this Act, or in any amendment made by this Act, shall af-
24 fect the level of protection provided to freight railroad em-
25 ployees, employees of the National Passenger Railroad Cor-

1 *poration, and mass transportation employees as it existed*
 2 *on the day before the date of enactment of this Act.*

3 *(b) LABOR STANDARDS.—*

4 *(1) PREVAILING WAGES.—The Secretary or*
 5 *Transportation—*

6 *(A) shall ensure that laborers and mechan-*
 7 *ics employed by contractors and subcontractors*
 8 *in construction work financed in whole or in*
 9 *part by funds authorized by this Act will be paid*
 10 *wages not less than those prevailing on similar*
 11 *construction in the locality, as determined by the*
 12 *Secretary of Labor under the Act of March 3,*
 13 *1931 (known as the Davis-Bacon Act; 40 U.S.C.*
 14 *276a et seq.); and*

15 *(B) may make such funds available with re-*
 16 *spect to construction work only after being as-*
 17 *sured that required labor standards will be*
 18 *maintained on the construction work.*

19 *(2) WAGE RATES.—Wage rates in a collective*
 20 *bargaining agreement negotiated under the Railway*
 21 *Labor Act (45 U.S.C. 151 et seq.) are deemed for pur-*
 22 *poses of this subsection to comply with the Act of*
 23 *March 3, 1931 (known as the Davis-Bacon Act; 40*
 24 *U.S.C. 276a et seq.).*

1 (3) *EMPLOYEE PROTECTION.*—*The Secretary of*
 2 *Transportation shall require as a condition of any*
 3 *project financed in whole or in part by funds author-*
 4 *ized by this title that the project be conducted in a*
 5 *manner that provides a fair arrangement at least as*
 6 *protective of the interests of employees who are af-*
 7 *ected by the project so funded as the terms imposed*
 8 *under arrangements reached under section 141 of the*
 9 *Amtrak Reform and Accountability Act of 1997 (49*
 10 *U.S.C. 24706 note).*

11 **SEC. 206. RAILWAY-HIGHWAY CROSSINGS IN HIGH-SPEED**
 12 **RAIL CORRIDORS.**

13 (a) *IN GENERAL.*—*The entire cost of construction of*
 14 *projects for the elimination of hazards of railway-highway*
 15 *crossings in designated high-speed rail corridors, including*
 16 *the separation or protection of grades at crossings, the re-*
 17 *construction of existing railroad grade crossing structures,*
 18 *and the relocation of highways to eliminate grade crossings,*
 19 *may be paid from sums authorized by subsection (k). In*
 20 *any case when the elimination of the hazards of a railway-*
 21 *highway crossing can be effected by the relocation of a por-*
 22 *tion of a railway at a cost estimated by the Secretary of*
 23 *Transportation to be less than the cost of such elimination*
 24 *by one of the methods mentioned in the first sentence of*

1 *this section, then the entire cost of such relocation project*
 2 *may be paid from sums authorized by subsection (k).*

3 (b) *CLASSIFICATION OF PROJECTS.—The Secretary*
 4 *may classify the various types of projects involved in the*
 5 *elimination of hazards of high-speed rail corridor railway-*
 6 *highway crossings, and may set for each such classification*
 7 *a percentage of the costs of construction which shall be*
 8 *deemed to represent the net benefit to the railroad or rail-*
 9 *roads for the purpose of determining the railroad's share*
 10 *of the cost of construction. The percentage so determined*
 11 *shall in no case exceed 10 per cent of such costs. The Sec-*
 12 *retary shall determine the appropriate classification of each*
 13 *project.*

14 (c) *LIABILITY OF RAILROAD.—Any railroad involved*
 15 *in a project for the elimination of hazards of railway-high-*
 16 *way crossings paid for in whole or in part from sums made*
 17 *available under this section shall be liable to the United*
 18 *States for the net benefit to the railroad determined under*
 19 *the classification of such project made under subsection (b).*
 20 *That liability to the United States may be discharged by*
 21 *direct payment to the State transportation department of*
 22 *the State in which the project is located, in which case such*
 23 *payment shall be credited to the cost of the project. The pay-*
 24 *ment may consist in whole or in part of materials and labor*
 25 *furnished by the railroad in connection with the construc-*

1 tion of the project. If any such railroad fails to discharge
 2 such liability within a 6-month period after completion of
 3 the project, it shall be liable to the United States for its
 4 share of the cost, and the Secretary shall request the Attor-
 5 ney General to institute proceedings against such railroad
 6 for the recovery of the amount for which it is liable under
 7 this subsection. The Attorney General is authorized to bring
 8 such proceedings on behalf of the United States, in the ap-
 9 propriate district court of the United States, and the United
 10 States shall be entitled in such proceedings to recover such
 11 sums as it is considered and adjudged by the court that
 12 such railroad is liable for in the premises. Any amounts
 13 recovered by the United States under this subsection shall
 14 be credited to miscellaneous receipts.

15 (d) *SURVEY AND SCHEDULE OF PROJECTS.*—Each
 16 State shall conduct and systematically maintain a survey
 17 of all high-speed rail corridor railway-highway crossings to
 18 identify those railroad crossings which may require separa-
 19 tion, relocation, or protective devices, and establish and im-
 20 plement a schedule of projects for this purpose.

21 (e) *FUNDS FOR PROTECTIVE DEVICES.*—The Secretary
 22 shall give priority under this section to the elimination of
 23 high-speed rail corridor railway-highway grade crossings,
 24 but shall make funds authorized for obligation or expendi-
 25 ture under this section available for the installation of pro-

1 *ective devices at high-speed rail corridor railway-highway*
 2 *crossings where appropriate.*

3 (f) *APPORTIONMENT.*—*The Secretary shall apportion*
 4 *funds available for obligation and expenditure under this*
 5 *section between high-speed rail corridor railway-highway*
 6 *crossings on the Northeast Corridor and such crossings out-*
 7 *side the Northeast Corridor in an equitable fashion, taking*
 8 *into account traffic volume, traffic patterns, frequency of*
 9 *trains, adequacy of existing hazard warnings, and such*
 10 *other factors as the Secretary deems appropriate.*

11 (g) *ANNUAL REPORT.*—*The Secretary shall report to*
 12 *the Senate Committee on Commerce, Science, and Trans-*
 13 *portation and the House of Representatives Committee on*
 14 *Transportation and Infrastructure not later than December*
 15 *30 of each year on the progress being made to implement*
 16 *the railway-highway crossings program authorized by this*
 17 *section and the effectiveness of such improvements. Each re-*
 18 *port shall contain an assessment of the costs of the various*
 19 *treatments employed and subsequent accident experience at*
 20 *improved locations. The report shall include—*

21 (1) *the number of projects undertaken, their dis-*
 22 *tribution by cost range, road system, nature of treat-*
 23 *ment, and subsequent accident experience at improved*
 24 *locations;*

1 (2) *an analysis and evaluation of the program*
 2 *activities in each State, including identification of*
 3 *any State found not to be in compliance with the*
 4 *schedule of improvements required by subsection (d);*
 5 *and*

6 (3) *recommendations for future implementation*
 7 *of the railway-highway crossings program under this*
 8 *section and section 130 of title 23, United States*
 9 *Code.*

10 (h) *USE OF FUNDS FOR MATCHING.—Funds author-*
 11 *ized to be appropriated to carry out this section may be*
 12 *used to provide a local government with funds to be used*
 13 *on a matching basis when State funds are available which*
 14 *may only be spent when the local government produces*
 15 *matching funds for the improvement of railway-highway*
 16 *crossings.*

17 (i) *INCENTIVE PAYMENTS FOR AT-GRADE CROSSING*
 18 *CLOSURES.—*

19 (1) *IN GENERAL.—Notwithstanding any other*
 20 *provision of this section and subject to paragraphs (2)*
 21 *and (3), the Secretary may make incentive payments*
 22 *to a local government upon the permanent closure by*
 23 *such government of public at-grade high-speed rail*
 24 *corridor railway-highway crossings under its jurisdic-*
 25 *tion.*

1 (2) *INCENTIVE PAYMENTS BY RAILROADS.*—*The*
 2 *Secretary may not make an incentive payment under*
 3 *paragraph (1) to a local government with respect to*
 4 *the closure of a crossing unless the railroad owning*
 5 *the tracks on which the crossing is located makes an*
 6 *incentive payment to the government with respect to*
 7 *the closure.*

8 (3) *AMOUNT OF FEDERAL INCENTIVE PAY-*
 9 *MENT.*—*The amount of the incentive payment pay-*
 10 *able to a local government under paragraph (1) with*
 11 *respect to a crossing may not exceed the lesser of—*

12 (A) *the amount of the incentive payment*
 13 *paid to the government with respect to the cross-*
 14 *ing by the railroad concerned under paragraph*
 15 *(2); or*

16 (B) *\$ 7,500.*

17 (j) *COORDINATION WITH TITLE 23 PROGRAM.*—*In car-*
 18 *rying out this section, the Secretary shall—*

19 (1) *implement this section in accordance with*
 20 *the classification of projects and railroad share of the*
 21 *cost as provided in section 646.210 of title 23, Code*
 22 *of Federal Regulations; and*

23 (2) *coordinate the administration of this section*
 24 *with the program established by section 130 of title*
 25 *23, United States Code, in order to avoid duplication*

1 of effort and to ensure the effectiveness of both pro-
2 grams.

3 (k) *FUNDING.*—Not less than 10 percent of the amounts
4 appropriated for each fiscal year to carry out section
5 26101A shall be obligated or expended to carry out this sec-
6 tion.

7 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

8 Section 26104 is amended to read as follows:

9 **“§ 26104. Authorization of appropriations**

10 “(a) *FISCAL YEARS 2003 THROUGH 2007.*—There are
11 authorized to be appropriated to the Secretary for each of
12 fiscal years 2003 through 2007—

13 “(1) \$25,000,000 for carrying out section 26101;

14 “(2) \$1,500,000,000 for carrying out section
15 26101A; and

16 “(3) \$25,000,000 for carrying out section 26102.

17 “(b) *FUNDS TO REMAIN AVAILABLE.*—Funds made
18 available under this section shall remain available until ex-
19 pended.

20 “(c) *SPECIAL RULE.*—Except as specifically provided
21 in section 26101, 26101A, or 26102, no amount authorized
22 by subsection (a) may be used for obligation or expenditure
23 on the Boston-to-Washington segment of the Northeast Cor-
24 ridor while that segment is receiving Federal funds for cap-
25 ital or operating expenses.”.

1 ***TITLE III—NATIONAL RAILROAD***
 2 ***PASSENGER CORPORATION***

3 ***SEC. 301. NATIONAL RAILROAD PASSENGER TRANSPOR-***
 4 ***TATION SYSTEM DEFINED.***

5 *(a) IN GENERAL.—Section 24102 is amended—*

6 *(1) by striking paragraph (2);*

7 *(2) by redesignating paragraphs (3), (4), and (5)*
 8 *as paragraphs (2), (3), and (4), respectively; and*

9 *(3) by inserting after paragraph (4) as so redes-*
 10 *ignated the following:*

11 *“(5) ‘national rail passenger transportation sys-*
 12 *tem’ means—*

13 *“(A) the segment of the Northeast Corridor*
 14 *between Boston, Massachusetts and Washington,*
 15 *D.C.;*

16 *“(B) rail corridors that have been des-*
 17 *ignated by the Secretary of Transportation as*
 18 *high-speed corridors, but only after they have*
 19 *been improved to permit operation of high-speed*
 20 *service;*

21 *“(C) long-distance routes of more than 750*
 22 *miles between endpoints operated by Amtrak as*
 23 *of the date of enactment of the National Defense*
 24 *Rail Act; and*

1 “(D) *short-distance corridors or routes oper-*
 2 *ated as of the date of enactment of the National*
 3 *Defense Rail Act, unless discontinued by Am-*
 4 *trak.*”.

5 (b) *AMTRAK ROUTES WITH STATE FUNDING.*—

6 (1) *IN GENERAL.*—Chapter 247 is amended by
 7 inserting after section 27101 the following:

8 **“§ 24702. *Transportation requested by States, authori-***
 9 ***ties, and other persons***

10 “(a) *CONTRACTS FOR TRANSPORTATION.*—Amtrak and
 11 *a State, a regional or local authority, or another person*
 12 *may enter into a contract for Amtrak to operate an inter-*
 13 *city rail service or route not included in the national rail*
 14 *passenger transportation system upon such terms as the*
 15 *parties thereto may agree.*

16 “(b) *DISCONTINUANCE.*—Upon termination of a con-
 17 *tract entered into under this section, or the cessation of fi-*
 18 *nancial support under such a contract, Amtrak may dis-*
 19 *continue such service or route, notwithstanding any other*
 20 *provision of law.*”.

21 (2) *CONFORMING AMENDMENT.*—The chapter
 22 *analysis for chapter 247 is amended by inserting*
 23 *after the item relating to section 24701 the following:*

 “24702. *Transportation requested by States, authorities, and other persons.*”.

24 (c) *AMTRAK TO CONTINUE TO PROVIDE NON HIGH-*
 25 *SPEED SERVICES.*—Nothing in this Act is intended to pre-

1 *clude Amtrak from restoring, improving, or developing non-*
 2 *high-speed intercity passenger rail service.*

3 **SEC. 302. AMTRAK AUTHORIZATIONS.**

4 *(a) REPEAL OF SELF-SUFFICIENCY REQUIREMENTS.—*

5 *(1) TITLE 49 AMENDMENTS.—Chapter 241 is*
 6 *amended—*

7 *(A) by striking the last sentence of section*
 8 *24101(d); and*

9 *(B) by striking the last sentence of section*
 10 *24104(a).*

11 *(2) AMTRAK REFORM AND ACCOUNTABILITY ACT*
 12 *AMENDMENTS.—Title II of the Amtrak Reform and*
 13 *Accountability Act of 1997 (49 U.S.C. 24101 nt) is*
 14 *amended by striking sections 204 and 205.*

15 *(3) COMMON STOCK REDEMPTION DATE.—Sec-*
 16 *tion 415 of the Amtrak Reform and Accountability*
 17 *Act of 1997 (49 U.S.C. 24304 nt) is amended by*
 18 *striking subsection (b).*

19 *(b) LEASE ARRANGEMENTS.—Amtrak may obtain*
 20 *services from the Administrator of General Services, and*
 21 *the Administrator may provide services to Amtrak, under*
 22 *section 201(b) and 211(b) of the Federal Property and Ad-*
 23 *ministrative Service Act of 1949 (40 U.S.C. 481(b) and*
 24 *491(b)) for each of fiscal years 2003 through 2007.*

1 (c) *FINANCIAL POWERS.*—Section 415(d) of the Am-
 2 trak Reform and Accountability Act of 1997 by adding at
 3 the end the following:

4 “(3) This section does not affect the applicability
 5 of section 3729 of title 31, United States Code, to
 6 claims made against Amtrak.”.

7 **SEC. 303. ADDITIONAL AMTRAK AUTHORIZATIONS.**

8 (a) *EXCESS RRTA.*—There are authorized to be ap-
 9 propriated to the Secretary of Transportation for the use
 10 of Amtrak for each of fiscal years 2003 through 2007, an
 11 amount equal to the amount Amtrak must pay under sec-
 12 tion 3221 of the Internal Revenue Code of 1986 in fiscal
 13 years that is more than the amount needed for benefits for
 14 individuals who retire from Amtrak and for their bene-
 15 ficiaries.

16 (b) *PRINCIPAL AND INTEREST PAYMENTS.*—

17 (1) *PRINCIPAL ON DEBT SERVICE.*—There are
 18 authorized to be appropriated to the Secretary of
 19 Transportation for the use of Amtrak for retirement
 20 of principal on loans for capital equipment, or cap-
 21 ital leases, the following amounts:

22 (A) For fiscal year 2003, \$105,000,000.

23 (B) For fiscal year 2004, \$93,000,000.

24 (C) For fiscal year 2005, \$105,000,000.

25 (D) For fiscal year 2006, \$108,000,000.

1 (E) For fiscal year 2007, \$183,000,000.

2 (2) *INTEREST ON DEBT.*—There are authorized
3 to be appropriated to the Secretary of Transportation
4 for the use of Amtrak for the payment of interest on
5 loans for capital equipment, or capital leases, the fol-
6 lowing amounts:

7 (A) For fiscal year 2003, \$160,000,000.

8 (B) For fiscal year 2004, \$157,000,000.

9 (C) For fiscal year 2005, \$147,000,000.

10 (D) For fiscal year 2006, \$142,000,000.

11 (E) For fiscal year 2007, \$134,000,000.

12 (c) *ENVIRONMENTAL COMPLIANCE.*—There are author-
13 ized to be appropriated to the Secretary of Transportation
14 for the use of Amtrak for each of fiscal years 2003 through
15 2007, \$30,000,000, of which one-third shall be obligated or
16 expended on the Northeast Corridor and two-thirds shall be
17 obligated or expended outside the Northeast Corridor, in
18 order to comply with environmental regulations.

19 (d) *COMPLIANCE WITH ADA REQUIREMENTS.*—

20 (1) *IN GENERAL.*—There are authorized to be ap-
21 propriated to the Secretary of Transportation for the
22 use of Amtrak for each of fiscal years 2003 through
23 2007, \$43,000,000 for access improvements in facili-
24 ties and stations necessary to comply with the re-
25 quirements of the Americans With Disabilities Act of

1 1990 (42 U.S.C. 12162), including an initial assess-
 2 ment of the full set of needs across the national rail
 3 passenger transportation system, of which—

4 (A) \$10,000,000 shall be obligated or ex-
 5 pended on the Northeast Corridor; and

6 (B) \$33,000,000 shall be obligated or ex-
 7 pended outside the Northeast Corridor, of which
 8 \$15,000,000 shall be obligated or expended for
 9 long-distance trains.

10 (2) *BEST EFFORTS REQUIREMENT.*—If Amtrak
 11 fails to meet the period for compliance requirement
 12 imposed by section 242(e)(2)(A)(ii)(I) of the Ameri-
 13 cans With Disabilities Act of 1990 (42 U.S.C.
 14 12162(e)(2)(A)(ii)(I))—

15 (A) it shall not be considered discrimina-
 16 tion for purposes of section 202 of that Act (42
 17 U.S.C. 12132) or section 504 of the Rehabilita-
 18 tion Act of 1973 (29 U.S.C. 794) if Amtrak dem-
 19 onstrates to the satisfaction of the Secretary of
 20 Transportation that—

21 (i) Amtrak has made substantial
 22 progress toward meeting the requirements of
 23 section 242(e)(2)(A)(ii)(I) of the Americans
 24 With Disabilities Act of 1990 (42 U.S.C.
 25 12162(e)(2)(A)(ii)(I)); and

1 (ii) Amtrak's failure to meet the period
 2 of compliance requirement of that section is
 3 attributable to the insufficiency of appro-
 4 priated funds; and

5 (B) the period for compliance under section
 6 242(e)(2)(A)(ii)(I) of the Americans With Dis-
 7 abilities Act of 1990 (42 U.S.C.
 8 12162(e)(2)(A)(ii)(I)) shall be extended until—

9 (i) sufficient funds have been appro-
 10 priated to the Secretary of Transportation
 11 for the use of Amtrak to enable Amtrak to
 12 comply fully with the requirements of that
 13 section; and

14 (ii) a reasonable period of time for the
 15 completion of necessary construction so
 16 funded has passed.

17 (e) REINVESTMENT OF NET REVENUES FROM NON-
 18 PASSENGER OPERATIONS.—Amtrak shall apply any net
 19 revenues from non-passenger operations to the railroad's
 20 working capital for use in satisfying systemwide current
 21 liabilities. When Amtrak's working capital has improved to
 22 the point at which Amtrak's liquid assets are sufficient to
 23 satisfy projected short-term liabilities, Amtrak shall invest
 24 any excess net non-passenger revenues in high priority cap-
 25 ital projects.

1 **SEC. 304. NORTHEAST CORRIDOR AUTHORIZATIONS.**

2 (a) *IN GENERAL.*—*There are authorized to be appro-*
 3 *priated to the Secretary of Transportation for the use of*
 4 *Amtrak for each of fiscal years 2003 through 2007, the fol-*
 5 *lowing amounts:*

6 (1) *\$370,000,000 for capital backlog on infra-*
 7 *structure on the Northeast Corridor to bring infra-*
 8 *structure up to state-of-good-repair, including renewal*
 9 *of the South End electric traction system, improve-*
 10 *ments on bridges and tunnels, and interlocking and*
 11 *signal system renewal.*

12 (2) *\$60,000,000 for capital backlog on fleet to*
 13 *bring existing fleet to a state-of-good-repair, including*
 14 *equipment replacement and upgrades necessary to*
 15 *meet current service commitments.*

16 (3) *\$40,000,000 for capital backlog on stations*
 17 *and facilities, including improvements to the facility*
 18 *and platform at the existing Penn Station, and*
 19 *bringing maintenance-of-way facilities up to state-of-*
 20 *good-repair.*

21 (4) *\$350,000,000 for ongoing capital*
 22 *infrastructure—*

23 (A) *to replace assets on a life-cycle basis;*

24 (B) *to ensure that a state-of-good-repair is*
 25 *maintained in order to meet safety and reli-*
 26 *ability standards; and*

1 (C) to meet current service commitments.

2 (5) \$40,000,000 for ongoing capital fleet invest-
3 ment to sustain regularly scheduled maintenance, in-
4 cluding a 120-day cycle of preventive maintenance,
5 and heavy overhauls on a 4-year schedule, with inte-
6 rior enhancements as needed.

7 (6) \$30,000,000 for ongoing capital improve-
8 ments to stations and facilities to provide for regular
9 upgrades to stations to meet current service needs,
10 and regular improvements to maintenance-of-equip-
11 ment and maintenance-of-way facilities.

12 (7) \$20,000,000 for ongoing technology upgrades
13 of reservation, distribution, financial, and operations
14 systems, including hardware, software, infrastructure,
15 and communications.

16 (b) *LIFE SAFETY NEEDS.*—There are authorized to be
17 appropriated to the Secretary of Transportation for the use
18 of Amtrak for fiscal year 2003:

19 (1) \$798,000,000 for the 6 New York tunnels
20 built in 1910 to provide ventilation, electrical, and
21 fire safety technology upgrades, emergency commu-
22 nication and lighting systems, and emergency access
23 and egress for passengers.

24 (2) \$57,000,000 for the Baltimore & Potomac
25 tunnel built in 1872 to provide adequate drainage,

1 *ventilation, communication, lighting, and passenger*
 2 *egress upgrades.*

3 (3) \$40,000,000 for the Washington, D.C. Union
 4 *Station tunnels built in 1904 under the Supreme*
 5 *Court and House and Senate Office Buildings to im-*
 6 *prove ventilation, communication, lighting, and pas-*
 7 *senger egress upgrades.*

8 (c) *INFRASTRUCTURE UPGRADES.*—*There are author-*
 9 *ized to be appropriated to the Secretary of Transportation*
 10 *for the use of Amtrak for fiscal year 2003, \$3,000,000 for*
 11 *the preliminary design of options for a new tunnel on a*
 12 *different alignment to augment the capacity of the existing*
 13 *Baltimore tunnels, such funds to remain available until ex-*
 14 *pend.*

15 (d) *CORRIDOR GROWTH INVESTMENT.*—*There are au-*
 16 *thorized to be appropriated to the Secretary of Transpor-*
 17 *tation for the use of Amtrak for corridor growth investments*
 18 *in the Northeast Corridor—*

19 (1) *For fiscal year 2003, \$200,000,000.*

20 (2) *For fiscal year 2004, \$300,000,000.*

21 (3) *For fiscal year 2005, \$400,000,000.*

22 (4) *For fiscal year 2006, \$500,000,000.*

23 (5) *For fiscal year 2007, \$600,000,000.*

24 (e) *FINANCIAL CONTRIBUTION FROM OTHER TUNNEL*
 25 *USERS.*—*The Secretary shall, taking into account the need*

1 *for the timely completion of all life safety portions of the*
 2 *tunnel projects described in subsection (b)—*

3 (1) *consider the extent to which rail carriers*
 4 *other than Amtrak use the tunnels;*

5 (2) *consider the feasibility of seeking a financial*
 6 *contribution from those other rail carriers toward the*
 7 *costs of the projects; and*

8 (3) *obtain financial contributions or commit-*
 9 *ments from such other rail carriers if feasible.*

10 (f) *AVAILABILITY OF FUNDS.—Amounts appropriated*
 11 *pursuant to this section shall remain available until ex-*
 12 *pended.*

13 (g) *REINVESTMENT OF NORTHEAST CORRIDOR NET*
 14 *OPERATING REVENUES.—Amtrak shall invest any net rev-*
 15 *enue generated from core passenger operations in the North-*
 16 *east Corridor in capital needs of the corridor until the back-*
 17 *log of capital improvements is completed under Amtrak's*
 18 *20-year capital plan.*

19 **SEC. 305. LONG DISTANCE TRAINS.**

20 (a) *IN GENERAL.—There are authorized to be appro-*
 21 *priated to the Secretary of Transportation for the use of*
 22 *Amtrak for each of fiscal years 2003 through 2007,*
 23 *\$360,000,000 for operating costs associated with long dis-*
 24 *tance trains.*

1 (b) *CAPITAL BACKLOG AND UPGRADES.*—*There are*
 2 *authorized to be appropriated to the Secretary of Transpor-*
 3 *tation for the use of Amtrak for each of fiscal years 2003*
 4 *through 2007, \$70,000,000 to reduce the capital backlog and*
 5 *to bring its existing fleet to a state-of-good-repair, including*
 6 *equipment replacement and upgrades necessary to meet cur-*
 7 *rent service commitments.*

8 (c) *ONGOING CAPITAL INFRASTRUCTURE INVEST-*
 9 *MENTS.*—*There are authorized to be appropriated to the*
 10 *Secretary of Transportation for the use of Amtrak for each*
 11 *of fiscal years 2003 through 2007, \$80,000,000 for ongoing*
 12 *capital infrastructure—*

13 (1) *to replace assets on a life-cycle basis;*

14 (2) *to ensure that a state-of-good-repair is main-*
 15 *tained in order to meet safety and reliability stand-*
 16 *ards;*

17 (3) *to meet current service commitments; and*

18 (4) *to provide funds for investment in partner*
 19 *railroads to operate passenger service at currently*
 20 *committed levels.*

21 (d) *CAPITAL FLEET NEEDS.*—*There are authorized to*
 22 *be appropriated to the Secretary of Transportation for the*
 23 *use of Amtrak for each of fiscal years 2003 through 2007,*
 24 *\$50,000,000 for ongoing capital fleet needs to sustain regu-*
 25 *larly scheduled maintenance, including a 120-day cycle of*

1 *preventive maintenance, and heavy overhauls on a 4-year*
 2 *schedule, with interior enhancements as needed.*

3 (e) *CAPITAL STATIONS AND FACILITIES.*—*There are*
 4 *authorized to be appropriated to the Secretary of Transpor-*
 5 *tation for the use of Amtrak for each of fiscal years 2003*
 6 *through 2007, \$10,000,000 for ongoing capital stations and*
 7 *facilities needs to provide regular upgrades to stations to*
 8 *meet current service needs, and regular improvements to*
 9 *maintenance-of-way equipment and maintenance-of-way*
 10 *facilities.*

11 (f) *TECHNOLOGY NEEDS.*—*There are authorized to be*
 12 *appropriated to the Secretary of Transportation for the use*
 13 *of Amtrak for each of fiscal years 2003 through 2007,*
 14 *\$10,000,000 for ongoing technology needs to upgrade res-*
 15 *ervation, distribution, financial, and operations systems,*
 16 *including hardware, software, infrastructure, and commu-*
 17 *nications.*

18 **SEC. 306. SHORT DISTANCE TRAINS; STATE-SUPPORTED**
 19 **ROUTES.**

20 *There are authorized to be appropriated to the Sec-*
 21 *retary of Transportation for the use of Amtrak for each of*
 22 *fiscal years 2003 through 2007, for obligation and expendi-*
 23 *ture on routes outside the Northeast Corridor—*

24 (1) *\$20,000,000 for capital backlog on infra-*
 25 *structure to bring infrastructure up to a state-of-good-*

1 *repair, including improvements on bridges and tun-*
2 *nels that are approaching the end of their useful life*
3 *and interlocking and signal system renewal;*

4 (2) *\$10,000,000 for capital backlog on its fleet to*
5 *bring Amtrak's existing fleet as of the date of enact-*
6 *ment of this Act to a state-of-good-repair, including*
7 *equipment replacement and upgrades necessary to*
8 *meet current service commitments;*

9 (3) *\$170,000,000 for ongoing capital infrastruc-*
10 *ture to replace assets on a life-cycle basis to ensure a*
11 *state-of-good-repair is maintained in order to meet*
12 *safety and reliability standards needed to deliver cur-*
13 *rent service commitments, including investment in*
14 *partner railroads to operate passenger service at cur-*
15 *rently committed levels.*

16 (4) *\$40,000,000 for ongoing capital fleet needs to*
17 *sustain regularly scheduled maintenance, including a*
18 *120-day cycle preventive maintenance schedule, and*
19 *heavy overhauls on a 4-year schedule, with interior*
20 *enhancements as needed;*

21 (5) *\$10,000,000 for ongoing capital stations and*
22 *facilities needs to provide regular upgrades to stations*
23 *to meet current service needs, and regular improve-*
24 *ments to maintenance-of-way equipment and mainte-*
25 *nance-of-way facilities; and*

1 (6) \$20,000,000 for ongoing technology needs to
 2 upgrade of reservation, distribution, financial, and
 3 operations systems, including hardware, software, in-
 4 frastructure and communications.

5 **SEC. 307. RE-ESTABLISHMENT OF NORTHEAST CORRIDOR**
 6 **SAFETY COMMITTEE.**

7 (a) *RE-ESTABLISHMENT OF NORTHEAST CORRIDOR*
 8 *SAFETY COMMITTEE.*—*The Secretary of Transportation*
 9 *shall re-establish the Northeast Corridor Safety Committee*
 10 *authorized by section 24905(b) of title 49, United States*
 11 *Code.*

12 (b) *TERMINATION DATE.*—*Section 24905(b)(4) is*
 13 *amended by striking “January 1, 1999,” and inserting*
 14 *“January 1, 2008,”.*

15 **SEC. 308. ON-TIME PERFORMANCE.**

16 *Section 24308 is amended by adding at the end the*
 17 *following:*

18 “(f) *ON-TIME PERFORMANCE.*—*If the on-time perform-*
 19 *ance of any intercity passenger train averages less than 80*
 20 *percent for any consecutive 3-month period, Amtrak may*
 21 *petition the Surface Transportation Board to investigate*
 22 *whether, and to what extent, delays are due to causes that*
 23 *could reasonably be addressed by a rail carrier over the*
 24 *tracks of which the intercity passenger train operates, or*
 25 *by a regional authority providing commuter service, if any.*

1 *In carrying out such an investigation, the Surface Trans-*
 2 *portation Board shall obtain information from all parties*
 3 *involved and make recommendations regarding reasonable*
 4 *measures to improve the on-time performance of the train.”.*

5 **SEC. 309. AMTRAK BOARD OF DIRECTORS.**

6 (a) *IN GENERAL.*—Section 24302 is amended to read
 7 *as follows:*

8 **“§ 24302. Board of directors**

9 “(a) *COMPOSITION AND TERMS.*—

10 “(1) *The board of directors of Amtrak is com-*
 11 *posed of the following 9 directors, each of whom must*
 12 *be a citizen of the United States:*

13 “(A) *The President of Amtrak.*

14 “(B) *The Secretary of Transportation.*

15 “(C) *7 individuals appointed by the Presi-*
 16 *dent of the United States, by and with the advice*
 17 *and consent of the Senate, with an interest, expe-*
 18 *rience, and qualifications in or directly related*
 19 *to rail transportation, including representatives*
 20 *of the passenger rail transportation, travel, hos-*
 21 *pitality, cruise line, and passenger air transpor-*
 22 *tation businesses, and consumers of passenger*
 23 *rail transportation.*

24 “(2) *An individual appointed under paragraph*
 25 *(1)(C) of this subsection serves for 5 years or until the*

1 *individual's successor is appointed and qualified. Not*
2 *more than 4 individuals appointed under paragraph*
3 *(1)(C) may be members of the same political party.*

4 *“(3) The board shall elect a chairman and a vice*
5 *chairman from among its membership. The vice*
6 *chairman shall serve as chairman in the absence of*
7 *the chairman.*

8 *“(4) The Secretary may be represented at board*
9 *meetings by the Secretary's designee.*

10 *“(b) PAY AND EXPENSES.—Each director not em-*
11 *ployed by the United States Government is entitled to \$300*
12 *a day when performing board duties and powers. Each di-*
13 *rector is entitled to reimbursement for necessary travel, rea-*
14 *sonable secretarial and professional staff support, and sub-*
15 *sistence expenses incurred in attending board meetings.*

16 *“(c) VACANCIES.—A vacancy on the board is filled in*
17 *the same way as the original selection, except that an indi-*
18 *vidual appointed by the President of the United States*
19 *under subsection (a)(1)(C) of this section to fill a vacancy*
20 *occurring before the end of the term for which the prede-*
21 *cessor of that individual was appointed is appointed for*
22 *the remainder of that term. A vacancy required to be filled*
23 *by appointment under subsection (a)(1)(C) must be filled*
24 *not later than 120 days after the vacancy occurs.*

1 “(d) *BYLAWS.*—*The board may adopt and amend by-*
 2 *laws governing the operation of Amtrak. The bylaws shall*
 3 *be consistent with this part and the articles of incorpora-*
 4 *tion.*

5 “(e) *CONFLICTS OF INTEREST.*—*Subparts D, E, and*
 6 *F of part 2635 of title 5, Code of Federal Regulations, shall*
 7 *apply to members of the board of directors during their term*
 8 *of office in the same manner as if they were employees of*
 9 *an executive agency (as defined in section 105 of title 5,*
 10 *United States Code).’’.*

11 (b) *CONFORMING AMENDMENT TO APPLY SAME*
 12 *STANDARD TO OFFICERS.*—*Section 24303(c) is amended to*
 13 *read as follows:*

14 “(c) *CONFLICTS OF INTEREST.*—*Subparts D, E, and*
 15 *F of part 2635 of title 5, Code of Federal Regulations, shall*
 16 *apply to officers when employed by Amtrak in the same*
 17 *manner as if they were employees of an executive agency*
 18 *(as defined in section 105 of title 5, United States Code).’’.*

19 (c) *EFFECTIVE DATE FOR DIRECTORS’ PROVISION.*—
 20 *The amendment made by subsection (a) shall take effect on*
 21 *October 1, 2003. The members of the Amtrak Reform Board*
 22 *may continue to serve until 3 directors appointed by the*
 23 *President under section 24302(a) of title 49, United States*
 24 *Code, as amended by subsection (a), have qualified for of-*
 25 *fice.*

1 **SEC. 310. ESTABLISHMENT OF FINANCIAL ACCOUNTING**
 2 **SYSTEM FOR AMTRAK OPERATIONS BY INDE-**
 3 **PENDENT AUDITOR.**

4 (a) *IN GENERAL.*—Amtrak shall employ an inde-
 5 pendent financial consultant—

6 (1) *to assess its financial accounting and report-*
 7 *ing system and practices;*

8 (2) *to design and assist Amtrak in implementing*
 9 *a modern financial accounting and reporting system,*
 10 *on the basis of the assessment, that will produce accu-*
 11 *rate and timely financial information in sufficient*
 12 *detail—*

13 (A) *to enable Amtrak to assign revenues*
 14 *and expenses appropriately to each of its lines of*
 15 *business and to each major activity within each*
 16 *line of business activity, including train oper-*
 17 *ations, equipment maintenance, ticketing, and*
 18 *reservations;*

19 (B) *to aggregate expenses and revenues re-*
 20 *lated to infrastructure and distinguish them*
 21 *from expenses and revenues related to rail oper-*
 22 *ations; and*

23 (C) *to provide ticketing and reservation in-*
 24 *formation on a real-time basis.*

25 (b) *VERIFICATION OF SYSTEM; REPORT.*—The Inspec-
 26 tor General of the Department of Transportation shall re-

1 *view the accounting system designed and implemented*
 2 *under subsection (a) to ensure that it accomplishes the pur-*
 3 *poses for which it is intended. The Inspector General shall*
 4 *report his findings and conclusions, together with any rec-*
 5 *ommendations, to the Senate Committee on Commerce,*
 6 *Science, and Transportation and the House of Representa-*
 7 *tives Committee on Transportation and Infrastructure.*

8 (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*
 9 *authorized to be appropriated to the Secretary of Transpor-*
 10 *tation for the use of Amtrak \$2,500,000 for fiscal year 2003*
 11 *to carry out subsection (a), such sums to remain available*
 12 *until expended.*

13 **SEC. 311. DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.**

14 (a) *DEVELOPMENT OF 5-YEAR FINANCIAL PLAN.—The*
 15 *Amtrak board of directors shall submit an annual budget*
 16 *for Amtrak, and a 5-year financial plan for the fiscal year*
 17 *to which that budget relates and the subsequent 4 years,*
 18 *prepared in accordance with this section, to the Secretary*
 19 *of Transportation and the Inspector General of the Depart-*
 20 *ment of Transportation no later than—*

- 21 (1) *the first day of each fiscal year beginning*
 22 *after the date of enactment of this Act; or*
 23 (2) *the date that is 60 days after the date of en-*
 24 *actment of an appropriation Act for the fiscal year,*
 25 *if later.*

1 (b) *CONTENTS OF 5-YEAR FINANCIAL PLAN.*—*The 5-*
2 *year financial plan for Amtrak shall include, at a*
3 *minimum—*

4 (1) *all projected revenues and expenditures for*
5 *Amtrak, including governmental funding sources;*

6 (2) *projected ridership levels for all Amtrak pas-*
7 *senger operations;*

8 (3) *revenue and expenditure forecasts for non-*
9 *passenger operations;*

10 (4) *capital funding requirements and expendi-*
11 *tures necessary to maintain passenger service which*
12 *will accommodate predicted ridership levels and pre-*
13 *dicted sources of capital funding;*

14 (5) *operational funding needs, if any, to main-*
15 *tain current and projected levels of passenger service,*
16 *including state-supported routes and predicted fund-*
17 *ing sources;*

18 (6) *an assessment of the continuing financial*
19 *stability of Amtrak, as indicated by factors such as:*
20 *the ability of the federal government to adequately*
21 *meet capital and operating requirements, Amtrak's*
22 *access to long-term and short-term capital markets,*
23 *Amtrak's ability to efficiently manage its workforce,*
24 *and Amtrak's ability to effectively provide passenger*
25 *train service.*

1 (7) *lump sum expenditures of \$10 million or*
 2 *more and sources of funding.*

3 (8) *estimates of long-term and short-term debt*
 4 *and associated principle and interest payments (both*
 5 *current and anticipated);*

6 (9) *annual cash flow forecasts; and*

7 (10) *a statement describing methods of esti-*
 8 *mation and significant assumptions.*

9 (c) *STANDARDS TO PROMOTE FINANCIAL STABILITY.—*
 10 *In meeting the requirements of subsection (b) with respect*
 11 *to a 5-year financial plan, Amtrak shall—*

12 (1) *apply sound budgetary practices, including*
 13 *reducing costs and other expenditures, improving pro-*
 14 *ductivity, increasing revenues, or combinations of*
 15 *such practices; and*

16 (2) *use the categories specified in the financial*
 17 *accounting and reporting system developed under sec-*
 18 *tion 310 when preparing its 5-year financial plan.*

19 (d) *ASSESSMENT BY DOT INSPECTOR GENERAL.—*

20 (1) *IN GENERAL.—The Inspector General of the*
 21 *Department of Transportation shall assess the 5-year*
 22 *financial plans prepared by Amtrak under this sec-*
 23 *tion to determine whether they meet the requirements*
 24 *of subsection (b), and may suggest revisions to any*

1 *components thereof that do not meet those require-*
 2 *ments.*

3 (2) *ASSESSMENT TO BE FURNISHED TO THE*
 4 *CONGRESS.—The Inspector General shall furnish to*
 5 *the House of Representatives Committee on Appro-*
 6 *priations, the Senate Committee on Appropriations,*
 7 *the House Committee on Transportation and Infra-*
 8 *structure, and the Senate Committee on Commerce,*
 9 *Science, and Transportation—*

10 (A) *an assessment of the annual budget*
 11 *within 90 days after receiving it from Amtrak;*
 12 *and*

13 (B) *an assessment of the remaining 4 years*
 14 *of the 5-year financial plan within 180 days*
 15 *after receiving it from Amtrak.*

16 **SEC. 312. REVISED REPORTING METHODOLOGY REQUIRED.**

17 *Within 90 days after the date of enactment of this Act,*
 18 *Amtrak, in consultation with the Comptroller General, shall*
 19 *develop a revised methodology to be used in preparing the*
 20 *annual operations report required by section 24315(a) of*
 21 *title 49, United States Code, beginning with the report on*
 22 *operations for fiscal year 2002. The new report methodology*
 23 *shall specifically exclude non-core profits in calculating the*
 24 *performance of Amtrak's trains.*

1 **SEC. 313. APPROPRIATED AMOUNTS TO BE SPENT PROPOR-**
 2 **TIONATELY.**

3 *If for any fiscal year the sum of the amounts appro-*
 4 *priated to the Secretary of Transportation for the use of*
 5 *Amtrak is less than the sum of the amounts authorized by*
 6 *this title for that fiscal year, then Amtrak shall—*

7 *(1) first obligate amounts appropriated pursuant*
 8 *to the authorization in section 303(a); and*

9 *(2) then allocate its obligation and expenditure*
 10 *of the remainder of the amounts appropriated for that*
 11 *fiscal year pursuant to this title (except amounts au-*
 12 *thorized by section section 304(b), (c), and (d))*
 13 *among the segments of the system in the same propor-*
 14 *tion as the authorizations were allocated among those*
 15 *segments by this title.*

16 **SEC. 314. INDEPENDENT AUDITOR TO ESTABLISH CRITERIA**
 17 **FOR AMTRAK ROUTE AND SERVICE PLANNING**
 18 **DECISIONS.**

19 *(a) INSPECTOR GENERAL TO HIRE CONSULTANT.—*
 20 *The Inspector General of the Department of Transportation*
 21 *shall—*

22 *(1) execute a contract to obtain the services of an*
 23 *independent auditor or consultant for the establish-*
 24 *ment of objective criteria for Amtrak service changes,*
 25 *including the establishment of new routes, the elimi-*

1 *nation of existing routes, and the contraction or ex-*
2 *pansion of existing services;*

3 *(2) review the criteria developed under the con-*
4 *tract; and*

5 *(3) if the Inspector General approves the criteria,*
6 *transmit them to the Amtrak board of directors.*

7 *(b) INCORPORATION OF CRITERIA BY AMTRAK.—The*
8 *Amtrak board of directors shall incorporate the criteria*
9 *in—*

10 *(1) its route and service planning and decision-*
11 *making process; and*

12 *(2) its capital plans and budgets developed in*
13 *compliance with section 311 of this Act.*

14 *(c) NOTIFICATION OF CONGRESS WHERE NOT COM-*
15 *PLYING WITH CRITERIA.—The Amtrak board of directors*
16 *shall—*

17 *(1) notify the Senate Committee on Commerce,*
18 *Science, and Transportation and the House of Rep-*
19 *resentatives Committee on Transportation and Infra-*
20 *structure not less than 30 days before the implementa-*
21 *tion date of any decision to establish a new route, ter-*
22 *minate an existing route, or effect any other major*
23 *change in service that is inconsistent with the criteria*
24 *incorporated under subsection (b); and*

25 *(2) explain its decision not to follow the criteria.*

1 (d) *AUTHORIZATION OF APPROPRIATIONS.*—*There are*
 2 *authorized to be made available to the Inspector General,*
 3 *out of any amounts appropriated to Amtrak pursuant to*
 4 *the authority of this Act and not otherwise obligated or ex-*
 5 *pende, such sums as may be necessary to carry out this*
 6 *section.*

7 ***TITLE IV—MISCELLANEOUS***

8 ***SEC. 401. REHABILITATION, IMPROVEMENT, AND SECURITY*** 9 ***FINANCING.***

10 (a) *DEFINITIONS.*—*Section 102(7) of the Railroad Re-*
 11 *vitalization and Regulatory Reform Act of 1976 (45 U.S.C.*
 12 *802(7)) is amended to read as follows:*

13 “(7) ‘railroad’ has the meaning given that term
 14 in section 20102 of title 49, United States Code;
 15 and”.

16 (b) *GENERAL AUTHORITY.*—*Section 502 of the Rail-*
 17 *road Revitalization and Regulatory Reform Act of 1976 (45*
 18 *U.S.C. 822) is amended—*

19 (1) *by striking “Secretary may provide direct*
 20 *loans and loan guarantees to State and local govern-*
 21 *ments,” in subsection (a) and inserting “Secretary*
 22 *shall provide direct loans and loan guarantees to*
 23 *State and local governments, interstate compacts en-*
 24 *tered into under section 410 of the Amtrak Reform*

1 *and Accountability Act of 1997 (49 U.S.C. 24101*
 2 *nt),”;*

3 *(2) by striking “or” in subsection (b)(1)(B);*

4 *(3) by redesignating subparagraph (C) of sub-*
 5 *section (b)(1) as subparagraph (D); and*

6 *(4) by inserting after subparagraph (B) of sub-*
 7 *section (b)(1) the following:*

8 *“(C) to acquire, improve, or rehabilitate*
 9 *rail safety and security equipment and facilities;*
 10 *or”.*

11 *(c) EXTENT OF AUTHORITY.—Section 502(d) of the*
 12 *Railroad Revitalization and Regulatory Reform Act of*
 13 *1976 (45 U.S.C. 822(d)) is amended—*

14 *(1) by striking “\$3,500,000,000” and inserting*
 15 *“\$35,000,000,000”;*

16 *(2) by striking “\$1,000,000,000” and inserting*
 17 *“\$7,000,000,000”; and*

18 *(3) by adding at the end the following new sen-*
 19 *tence: “The Secretary shall not establish any limit on*
 20 *the proportion of the unused amount authorized*
 21 *under this subsection that may be used for 1 loan or*
 22 *loan guarantee.”.*

23 *(d) COHORTS OF LOANS.—Section 502(f) of the Rail-*
 24 *road Revitalization and Regulatory Reform Act of 1976 (45*
 25 *U.S.C. 822(f)) is amended—*

1 (1) *in paragraph (2)—*

2 (A) *by striking “and” at the end of sub-*
3 *paragraph (D);*

4 (B) *by redesignating subparagraph (E) as*
5 *subparagraph (F); and*

6 (C) *by adding after subparagraph (D) the*
7 *following new subparagraph:*

8 “(E) *the size and characteristics of the co-*
9 *hort of which the loan or loan guarantee is a*
10 *member; and”;* and

11 (2) *by adding at the end of paragraph (4) the*
12 *following: “A cohort may include loans and loan*
13 *guarantees. The Secretary shall not establish any*
14 *limit on the proportion of a cohort that may be used*
15 *for 1 loan or loan guarantee.”.*

16 (e) *CONDITIONS OF ASSISTANCE.—Section 502 of the*
17 *Railroad Revitalization and Regulatory Reform Act of*
18 *1976 (45 U.S.C. 822) is amended—*

19 (1) *by striking “offered;” in subsection (f)(2)(A)*
20 *and inserting “offered, if any;”;*

21 (2) *by inserting “(1)” before “The Secretary” in*
22 *subsection (h) and redesignating paragraphs (1), (2),*
23 *and (3) of that subsection as subparagraphs (A), (B),*
24 *and (C); and*

1 (3) *by adding at the end of subsection (h) the fol-*
 2 *lowing:*

3 “(2) *The Secretary shall not require an applicant for*
 4 *a direct loan or loan guarantee under this section to provide*
 5 *collateral.*

6 “(3) *The Secretary shall not require that an applicant*
 7 *for a direct loan or loan guarantee under this section have*
 8 *previously sought the financial assistance requested from*
 9 *another source.*

10 “(4) *The Secretary shall require recipients of direct*
 11 *loans or loan guarantees under this section to apply the*
 12 *standards of section 22301(b) and (c) of title 49, United*
 13 *States Code, to their projects.”.*

14 (f) *TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—*
 15 *Section 502 of the Railroad Revitalization and Regulatory*
 16 *Reform Act of 1976 (45 U.S.C. 822) is amended by adding*
 17 *at the end the following:*

18 “(i) *TIME LIMIT FOR APPROVAL OR DISAPPROVAL.—*
 19 *Not later than 180 days after receiving a complete applica-*
 20 *tion for a direct loan or loan guarantee under this section,*
 21 *the Secretary shall approve or disapprove the application.”.*

22 (g) *FEES AND CHARGES.—Section 503 of the Railroad*
 23 *Revitalization and Regulatory Reform Act of 1976 (45*
 24 *U.S.C. 823) is amended—*

1 (1) *by adding at the end of subsection (k) the fol-*
 2 *lowing: “Funds received by the Secretary under the*
 3 *preceding sentence shall be credited to the appropria-*
 4 *tion from which the expenses of making such apprais-*
 5 *als, determinations, and findings were incurred.”;*
 6 *and*

7 (2) *by adding at the end the following new sub-*
 8 *section:*

9 “(m) *FEEES AND CHARGES.—Except as provided in*
 10 *this title, the Secretary may not assess any fees, including*
 11 *user fees, or charges in connection with a direct loan or*
 12 *loan guarantee provided under section 502.”.*

13 (h) *SUBSTANTIVE CRITERIA AND STANDARDS.—Not*
 14 *later than 30 days after the date of the enactment of this*
 15 *Act, the Secretary of Transportation shall publish in the*
 16 *Federal Register and post on the Department of Transpor-*
 17 *tation website the substantive criteria and standards used*
 18 *by the Secretary to determine whether to approve or dis-*
 19 *approve applications submitted under section 502 of the*
 20 *Railroad Revitalization and Regulatory Reform Act of*
 21 *1976 (45 U.S.C. 822).*

22 (i) *OPERATORS DEEMED RAIL CARRIERS; LOANS AND*
 23 *LOAN GUARANTEES FOR NON-RAILROAD ENTITIES.—Sec-*
 24 *tion 502 of the Railroad Revitalization and Regulatory Re-*

1 *form Act of 1976 (45 U.S.C. 822), as amended by subsection*
 2 *(f), is amended by adding at the end the following:*

3 “(j) *OPERATORS DEEMED RAIL CARRIERS.*—A person
 4 *that conducts rail operations funded or otherwise receiving*
 5 *assistance under this section is deemed to be a rail carrier*
 6 *for purposes of part A of subtitle IV of title 49, United*
 7 *States Code, when so operating or performing such services.*

8 “(k) *LOAN AND LOAN GUARANTEES FOR NON-RAIL-*
 9 *ROAD ENTITIES.*—Notwithstanding any other provision of
 10 *law, entities other than rail companies shall be eligible for*
 11 *loans and loan guarantees under this section.”.*

12 **SEC. 402. RAIL PASSENGER COOPERATIVE RESEARCH PRO-**
 13 **GRAM.**

14 “(a) *IN GENERAL.*—Chapter 249 is amended by adding
 15 *at the end the following:*

16 **“§24910. Passenger rail cooperative research pro-**
 17 **gram**

18 “(a) *IN GENERAL.*—The Secretary shall establish and
 19 *carry out a rail passenger cooperative research program.*
 20 *The program shall—*

21 “(1) *address, among other matters, intercity rail*
 22 *passenger services, including existing rail passenger*
 23 *technologies and speeds, incrementally enhanced rail*
 24 *systems and infrastructure, and new high-speed*
 25 *wheel-on-rail systems;*

1 “(2) give consideration to research on commuter
 2 rail, regional rail, freight rail, and other modes of
 3 rail transportation that may affect rail passenger
 4 transportation due to the interconnectedness of the
 5 rail passenger network with other rail transportation
 6 services; and

7 “(3) give consideration to regional concerns re-
 8 garding rail passenger transportation, including
 9 meeting research needs common to designated high-
 10 speed corridors, long-distance rail services, and re-
 11 gional intercity rail corridors, projects, and entities.

12 “(b) CONTENTS.—The program to be carried out under
 13 this section shall include research designed—

14 “(1) to develop more accurate models for evalu-
 15 ating the indirect effects of rail passenger service, in-
 16 cluding the effects on highway and airport and air-
 17 way congestion, environmental quality, and energy
 18 consumption;

19 “(2) to develop a better understanding of modal
 20 choice as it affects rail passenger transportation, in-
 21 cluding development of better models to predict rider-
 22 ship;

23 “(3) to recommend priorities for technology dem-
 24 onstration and development;

1 “(4) to meet additional priorities as determined
 2 by the advisory board established under subsection
 3 (c), including any recommendations made by the Na-
 4 tional Research Council;

5 “(5) to explore improvements in management, fi-
 6 nancing, and institutional structures;

7 “(6) to address rail capacity constraints that af-
 8 fect passenger rail service through a wide variety of
 9 options, ranging from operating improvements to
 10 dedicated new infrastructure, taking into account the
 11 impact of such options on freight and commuter rail
 12 operations; and

13 “(7) to improve maintenance, operations, cus-
 14 tomer service, or other aspects of existing intercity
 15 rail passenger service existing in 2002.

16 “(c) *ADVISORY BOARD.*—

17 “(1) *ESTABLISHMENT.*—In consultation with the
 18 heads of appropriate Federal departments and agen-
 19 cies, the Secretary shall establish an advisory board
 20 to recommend research, technology, and technology
 21 transfer activities related to rail passenger transpor-
 22 tation.

23 “(2) *MEMBERSHIP.*—The advisory board shall
 24 include—

1 “(A) representatives of State transportation
2 agencies;

3 “(B) transportation and environmental
4 economists, scientists, and engineers; and

5 “(C) representatives of Amtrak, the Alaska
6 Railroad, transit operating agencies, intercity
7 rail passenger agencies, railway labor organiza-
8 tions, and environmental organizations.

9 “(d) NATIONAL ACADEMY OF SCIENCES.— The Sec-
10 retary may make grants to, and enter into cooperative
11 agreements with, the National Academy of Sciences to carry
12 out such activities relating to the research, technology, and
13 technology transfer activities described in subsection (b) as
14 the Secretary deems appropriate.”.

15 (b) CONFORMING AMENDMENT.—The chapter analysis
16 for chapter 249 is amended by adding at the end the fol-
17 lowing:

 “24910. Passenger rail cooperative research program.”.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There are
19 authorized to be appropriated to the Secretary of Transpor-
20 tation \$5,000,000 for each of fiscal years 2003 through
21 2007, to carry out section 24910(d) of title 49, United
22 States Code.

23 **SEC. 403. CONFORMING AMENDMENTS TO TITLE 49 RE-**
24 **FLECTING ICC TERMINATION ACT.**

25 (a) SECTION 307.—

1 (1) *Section 307 is amended—*

2 (A) *by striking “**Interstate Commerce***
 3 ***Commission*” in the section heading and in-**
 4 *serting “**Surface Transportation***
 5 ***Board*”;**

6 (B) *by striking “Interstate Commerce Com-*
 7 *mission” in subsection (a) and inserting “Sur-*
 8 *face Transportation Board”;* and

9 (C) *by striking “Commission” each place it*
 10 *appears and inserting “Board”.*

11 (2) *The chapter analysis for chapter 3 is amend-*
 12 *ed by striking the item relating to section 307 and in-*
 13 *serting the following:*

“307. Safety information and intervention in Surface Transportation Board pro-
ceedings.”.

14 (b) *SECTION 333.—Section 333 is amended—*

15 (1) *by striking “Interstate Commerce Commis-*
 16 *sion” each place it appears and inserting “Surface*
 17 *Transportation Board”;* and

18 (2) *by striking “Commission” in subsection (e)*
 19 *and inserting “Board”.*

20 (c) *SECTION 351.—Section 351(c) is amended by strik-*
 21 *ing “Interstate Commerce Commission” and inserting*
 22 *“Surface Transportation Board”.*

1 (d) *SECTION 24307.—Section 24307(b)(3) is amended*
 2 *by striking “Interstate Commerce Commission” and insert-*
 3 *ing “Surface Transportation Board”.*

4 (e) *SECTION 24308.—Section 24308 is amended—*

5 (1) *by striking “Interstate Commerce Commis-*
 6 *sion” in subsection (a)(2)(A) and inserting “Surface*
 7 *Transportation Board”; and*

8 (2) *by striking “Commission” each place it ap-*
 9 *pears in subsections (a), (b), and (e) and inserting*
 10 *“Board”.*

11 (f) *SECTION 24311.—Section 24311 is amended—*

12 (1) *by striking “Interstate Commerce Commis-*
 13 *sion” in subsection (c)(1) and inserting “Surface*
 14 *Transportation Board”; and*

15 (2) *by striking “Commission” each place it ap-*
 16 *pears in subsection (c) and inserting “Board”.*

17 (g) *SECTION 24902.—Section 24902 is amended—*

18 (1) *by striking “Interstate Commerce Commis-*
 19 *sion” in subsections (g)(2) and (g)(3) and inserting*
 20 *“Surface Transportation Board”; and*

21 (2) *by striking “Commission” each place it ap-*
 22 *pears in subsections (g)(2) and (g)(3) and inserting*
 23 *“Board”.*

24 (h) *SECTION 24904.—Section 24904 is amended—*

1 (1) by striking “Interstate Commerce Commis-
 2 sion” in subsection (c)(2) and inserting “Surface
 3 Transportation Board”; and

4 (2) by striking “Commission” each place it ap-
 5 pears in subsection (c) and inserting “Board”.

6 **SEC.404. APPLICABILITY OF REVERSION TO ALASKA RAIL-**
 7 **ROAD RIGHT-OF-WAY PROPERTY.**

8 Section 610(b) of the Alaska Railroad Transfer Act of
 9 1982 (45 U.S.C. 1209(b)) is amended—

10 (1) by inserting “(1)” after “DISCONTINU-
 11 ANCE.—”;

12 (2) by redesignating paragraphs (1) and (2) as
 13 subparagraphs (A) and (B), respectively; and

14 (3) by adding at the end the following new para-
 15 graph:

16 “(2)(A) The State-owned railroad may convey all
 17 right, title, and interest of the State in any land within
 18 the right-of-way to a third party in exchange for other land
 19 that, in substitution for the land conveyed, is to be utilized
 20 as part of the right-of-way if the continuity of the right-
 21 of-way corridor for transportation, communications, and
 22 transmission purposes is provided by such use of the sub-
 23 stituted land.

24 “(B) The provisions of this section that require rever-
 25 sion shall apply to the substituted land, as of the effective

1 *date of the exchange of that land in a transaction author-*
2 *ized by subparagraph (A), as fully as if the substituted land*
3 *had been rail properties of the Alaska Railroad as of Janu-*
4 *ary 13, 1983.*

5 “(C) *Upon the conveyance of land in a transaction au-*
6 *thorized by subparagraph (A), any reversionary interest in*
7 *the land under this section shall terminate.”.*

Calendar No. 404

107TH CONGRESS
2^D SESSION

S. 1991

[Report No. 107-157]

A BILL

To establish a national rail passenger transportation system, reauthorize Amtrak, improve security and service on Amtrak, and for other purposes.

MAY 29, 2002

Reported with an amendment in the nature of a
substitute